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# A Forgotten Founder: The Life and Legacy of Christopher Gadsden

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A FORGOTTEN FOUNDER:  
THE LIFE AND LEGACY OF  
CHRISTOPHER GADSDEN

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A Thesis  
Presented to  
the Graduate School of  
Clemson University

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In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts  
History

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by  
Kelcey M. Eldridge  
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Accepted by:  
Lee Wilson Committee Chair  
Orville Vernon Burton  
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## ABSTRACT

This study examines the life and legacy of Christopher Gadsden. Specifically, it explores Gadsden's understanding of individual and colonial rights, proper channels of protest, and early republicanism. It is through the discussion of these topics that this thesis highlights the importance of studying the individual reaction to the American Revolution and independence. Additionally, this study highlights the fact that many of the terms we use to describe these Revolutionary figures, such as radical or conservative, are not adequate – each individual experienced many changes in their life that led to their support of independence. Furthermore, this study opens the door for further research on the role Revolutionary ideas and symbols play in modern politics.

## DEDICATION

To Lyndsey Eldridge

My sister, friend, mentor and rock.

## ACKNOWLEDGMENTS

I would like to extend my gratitude to Clemson University, especially the History Department. Throughout my time here, the professors, faculty, and other graduate students have truly made this my home. A special thanks goes to Dr. Paul Anderson, whose unwavering support and encouragement pushed me to achieve more than ever thought I could.

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## A Note on Sources

In this thesis, I rely extensively on the public and private writings of Christopher Gadsden, Henry Laurens, and John Adams, along with articles from the *South Carolina Gazette*. A number of these items do not survive intact. In this case, I have made no attempt to correct or guess at the illegible words, but have chosen to keep them as they are. Throughout the text, I have adjusted spelling to modern usage when applicable.

## Abbreviations

*WCG* *The Writings of Christopher Gadsden*, edited by Richard Walsh (Columbia: University of South Carolina Press, 1966)

*SCG* *The South Carolina Gazette*

*PHL* *The Papers of Henry Laurens*, ed. Philip M. Hamer et al., 16 vols. (Columbia: University of South Carolina Press, 1968-2003)

*WJA* *The Adams Papers*, ed. Robert J. Taylor, vol. 3 (Cambridge, MA: Harvard University Press, 1979)

## **EARLY LIFE**

The story of the American Revolution has been told countless times. Scholars have produced histories that focus upon various aspects of the conflict, from military strategy, to economic changes, to the evolution of political ideologies. Most recently, both academic and popular histories of the Revolution have taken a biographical turn. This Founding Father “chic” movement has given us biographies of eminent political and military leaders, including George Washington, Thomas Jefferson, and Alexander Hamilton. However, historians continue to overlook the Revolution’s lesser-known figures. This is problematic, because examining their experiences during the War and in its immediate aftermath can often give us a more nuanced picture of how the Revolution affected Americans of all sorts. The American Revolution, which scholars now understand was a bloody civil war, shattered the lives of British subjects in North America and forced them to recast their identities as citizens of a new nation. This is the story of one of these figures, Christopher Gadsden.

Christopher Gadsden was born on February 6, 1724 to Lieutenant (and later captain) Thomas Gadsden of the British merchant fleet and his wife, Elizabeth. Like the children of many other prosperous South Carolina colonists, Gadsden was sent to England for schooling. In London, the political and cultural center of the eighteenth-century British Empire, he received a classical education, but also the necessary skills to become a merchant like his father. At sixteen, Gadsden returned to the American colonies

and worked as an apprentice to Thomas Lawrence, a merchant based in Philadelphia.<sup>1</sup> Gadsden completed his apprenticeship, returned to England for a brief period of time, and permanently relocated to Charleston in 1748, where he began his career as a merchant.<sup>2</sup>

Like other merchants in the Revolutionary generation, Gadsden's business ventures varied. He was involved in wholesaling, retailing, factorage, money lending, and land speculation. He also managed a number of stores in Cheraw and Georgetown.<sup>3</sup> Gadsden, like so many other South Carolina merchants, also had an interest in producing commodities for export, which was the quickest way to amass a fortune in the eighteenth-century Lowcountry. Indeed, when Gadsden arrived in South Carolina, the colony had already established its reputation as one of the most lucrative outposts of the British Empire. Through the port of Charleston, which was among the busiest in North America, planters exported rice and indigo to European markets, and imported the enslaved laborers that labored to produce them.

As an enterprising South Carolinian, Gadsden eagerly participated in the colony's mid-century economic boom, supplementing his mercantile activities with various planting ventures. Soon after his arrival, he began purchasing parcels of land, which he assembled together to use as storefronts and plantations. Gadsden was also a slave owner. At the time of his death, he owned enough slaves to "divide my Estate real and personal

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<sup>1</sup> It is unclear what kind of goods or commodities Lawrence sold. However, we do know that he eventually became prominent in civic affairs and was a common councilor and alderman before serving as Philadelphia's mayor for five terms; Christopher Gadsden to Thomas Lawrence, Feb. 15, 1753, *WCG*, 5.

<sup>2</sup> For clarity and consistency, I have chosen to refer to Charleston with its modern spelling, although it was referred to Charles Town until incorporated in 1783. Richard Walsh, Preface, *WCG*, vii-xvii; Christopher Gadsden to Thomas Lawrence, Feb. 15, 1753, *WCG*, 5.

<sup>3</sup> Richard Walsh, Preface, *WCG*, vii-xvii; Christopher Gadsden to Thomas Lawrence, Feb. 15, 1753, *WCG*, 5.

as well as my negroes as otherwise into nineteen equal parts or shares.” While we do not know how many slaves Gadsden owned or sold during his life time, in his will he reminded his children not to forget “the faithful services of the descendants of old Nanny and Elsy, Nanny’s Offspring to the fifth generation are now with me.”<sup>4</sup>

For Gadsden, his early years were formative. From a financial perspective, his education and early business ventures gave him the tools to enter Charlestown’s circle of elite merchant-planters. Travel in particular allowed him to establish connections and acquaintances that would remain important for the rest of his life. Although few of Gadsden’s letters survive, it is clear from the experiences of other merchant elites of his generation that these connections were crucial for establishing a successful business in South Carolina. In the case of Henry Laurens – a contemporary of Gadsden – his network of correspondents was far-flung, and it included merchants from the American colonies, the Caribbean, England, and the European Continent. Laurens’ letters show that these contacts were vital in establishing the trade networks that encouraged economic success. In particular, correspondence with merchants around the globe helped traders like Laurens and Gadsden glean information about current commodities prices, shipping insurance, and product demand. Given what we know about more documented merchants like Laurens, it is hard to see how Gadsden would have become a successful merchant without those connections.

Perhaps more importantly, travel to other cities in North America, including Philadelphia, allowed Gadsden to forge connections with men and women from different

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<sup>4</sup> Will of Christopher Gadsden, Jun. 5, 1804, WCG, 312-14.

regions of Britain's North American Empire. Through travel, Gadsden was able to overcome his provincialism and create networks that spanned beyond South Carolina. Ultimately, this made him more receptive to calls for American unity in the 1760s and 1770s, when the northeastern colonies became the center of political protests and reprisals.

At the same time, however, travel also taught Gadsden to see himself as part of a wider British Empire. Gadsden's education in London inculcated in him the morals, standards, and ideology of eighteenth-century English society. When early colonists attempted to establish societies in the New World, they did so with very few clear precedents to guide them. However, they did not start from scratch. They brought with them fragments of English culture, which included ideas, values, traditions, and institutions. Although colonists adapted their English cultural heritage to suit New World environments, they nonetheless strived to create a version of England in their new colonial home.<sup>5</sup> Gadsden's education in London only reinforced this sense of Englishness, and the belief that all residents of the British Empire were British subjects and shared participants in British society, regardless of their geographic location.

For South Carolina colonists like Gadsden, financial success and political service were inextricably linked, just as they were in England. Financial success guaranteed entrance into the colony's social and political "elite," which in South Carolina meant serving as a member of the colony's governing body, the Commons House of Assembly. Gadsden entered the ranks of this prestigious group in September 1757, when he was

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<sup>5</sup> Jack Greene, ed., *Settlements to Societies 1607-1763 A Documentary History of Colonial America* (New York: W W Norton & Co Inc., 1975), iix.

elected to the Assembly for the first time.<sup>6</sup> His decades of service as an assembly member profoundly shaped how he saw himself both as a South Carolinian and as a subject of the British Crown. Specifically, the political conditions of this time period and the physical separation of the American colonies from Britain gave elite colonists like Gadsden a strong sense of self-reliance and an intimate understanding of the principles of self-government. In contrast to the relatively narrow suffrage in England, almost all landowning men in South Carolina took an active role in the colony's political life, which was centered around the Assembly. Over the course of the eighteenth century, this lower branch of the colony's government had steadily engrossed power at the expense of the executive branch, and especially the colony's royal governor.<sup>7</sup> This was a pattern that was repeated throughout British America. As scholars have shown, over time, American creole elites became accustomed to analogizing their assemblies to the British Parliament, and to managing their own affairs without British intervention.<sup>8</sup>

Although this was a trajectory that most American colonies followed, conflict between the Assembly and the executive was particularly acute in South Carolina. Indeed, between 1743 and 1763, this struggle for power was the colony's most pronounced political feature. South Carolina's royal governors had tangled with Assembly members from an early date, but conflict intensified when James Glen

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<sup>6</sup> Walsh, Preface, *WCG*, xvii; David Duncan Wallace, *The Life of Henry Laurens with a Sketch of the Life of Lieutenant Colonel John Laurens* (New York: G.P. Putnam's Sons, 1915), 42; *Members of the Commons House of Assembly*, Oct. 6, 1757, *PHL*, vol. 2, 537.

<sup>7</sup> M. Eugene Sirmans, *Colonial South Carolina A Political History, 1663-1763* (Chapel Hill: The University of North Carolina Press, 1966), 225-55.

<sup>8</sup> Greene, *Settlements to Society*, 228-29.

assumed leadership of the colony in 1743.<sup>9</sup> The story of Glen's tenure as royal governor is complex, but a brief overview is necessary in order to understand the power the Assembly had in the following years.

When Glen first arrived in South Carolina, he attempted to avoid affiliating himself with any of the colony's political factions in order to be seen as fair and impartial. However, because he had few allies to support him in England, he eventually aligned himself with the politically powerful Bull family in 1750.<sup>10</sup> This alliance earned him the support of the extended Bull clan, whose members served on the Governor's Council and in other political offices. As he quickly discovered, though, it produced little benefit in the Commons House of Assembly, which began to assert its own power at the expense of the Governor. For example, in 1751, Glen vetoed a bill that divided St. Philip's Parish into two parishes, but ultimately signed it when the Assembly threatened to complain about Glen to the Crown and the Board of Trade. This process was repeated as the Assembly challenged Glen on a number of fronts, including his ability to veto bills, his right to direct Indian affairs, and his control over colonial fortifications.<sup>11</sup> The net result was that when Glen left his position in 1753, the office of Governor was considerably weaker than it was when he first assumed it.<sup>12</sup>

In fact, conflict with Glen only emboldened the Assembly and helped it to develop a strong sense of its own institutional integrity. This included a tradition of

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<sup>9</sup> Glen was appointed in 1738, but did not arrive until 1743.

<sup>10</sup> His original patron, the Earl of Wilmington, and his uncle, the Scottish Earl of Dalhousie, had both died in the 1740s, leaving no one to intervene on his behalf in the metropole. Sirmans, *Colonial South Carolina*, 278-281.

<sup>11</sup> Sirmans, *Colonial South Carolina*, 281-290.

<sup>12</sup> *Ibid*, 290-94.

freedom from any outside interference. As in most colonies, members of South Carolina's Assembly routinely compared their representative body to the House of Commons in England and balked at any attempts to diminish their constitutional role. In the 1750s, this sense was magnified as new men, including Laurens and Gadsden, entered the Assembly's ranks. These men began political life armed with an education in the blessings of the British political system, and they added to this a genuine enjoyment of politics and the responsibilities that came with holding office. Furthermore, they entered the Assembly at a time when that body's political power was on the ascendant, and when most colonists believed that the Assembly was the only institution with the authority to legislate for South Carolina.<sup>13</sup>

## **OVERVIEW**

In this thesis, I examine the life of Christopher Gadsden in order to understand how one elite South Carolina colonist made sense of the tumultuous times in which he lived. Although scholars have largely neglected Gadsden in their studies of America's founding fathers, he was on the forefront of the movement for American Independence. Gadsden's political writings and correspondence, which I rely upon throughout, provide us with a unique insight into the political formation of an American revolutionary. From an early date, Gadsden embraced the notion that colonies were capable of governing themselves, and he defended the South Carolina Assembly's right to manage its own affairs without outside intervention. He was a fierce critic of British authority, and a proponent of radical and sometimes even violent protest. However, Gadsden's

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<sup>13</sup> Ibid, 223-314.

experiences during the Revolution and in its immediate aftermath ultimately transformed him into a more conservative politician, who promoted national unity and denounced mob action.

The first chapter of this thesis focuses on Gadsden's early political career, from 1757 to 1762. The two controversies that defined this period of South Carolina history – the Cherokee War and controversy over Gadsden's election to the Commons House of Assembly – also shaped Gadsden's own political outlook. It is within this period that Gadsden began to formulate his own understanding of colonial political rights and the natural rights of all British subjects. Gadsden believed that there was a distinct set of colonial political rights, which included a right to defend the colony from enemies and manage its everyday affairs. These rights, according to Gadsden, should be exercised free of any interference from Britons in the metropole. At the same time, Gadsden also articulated a defense of American colonists that was based in natural rights philosophy and English law. For him, this meant that all British subjects were entitled to fair elections, property, and liberty, regardless of their geographical location in the Empire.

These political views, in turn, help to explain how Gadsden responded to British intervention in colonial affairs in the 1760s and 1770s, which I examine in Chapter Two. Between 1762 and 1775, Gadsden began to articulate a unique perspective on the legality of protest within the British constitutional system. Indeed, from an early date Gadsden embraced not only typical forms of protest, but also extralegal action in order to defend colonial rights. His views were deeply imbricated in some of the most important radical movements of the American Revolution, including the Charleston Sons of Liberty. It is

also important to remember that Gadsden's political views developed in the context of one of the world's most repressive slave societies. As such, in this Chapter, I examine how Gadsden – a slave owner – justified his fight for equality in a legal system in which people were considered property. This paradox deserves more attention than this small work can give, but it is essential for situating Gadsden's views in the social, economic, and political world of eighteenth-century South Carolina.

The last chapter of this thesis follows Gadsden as he struggled to articulate a political vision from 1775 until 1799, when he began to remove himself from public affairs. After fighting so hard for the rights of Americans, Gadsden grew disenchanted with the economic and social tumult that followed independence. Like other politicians of his era, he rejected party politics and stressed the importance of national unity in order to establish a functioning national government. In the immediate aftermath of the War, Gadsden also developed a unique personal perspective on what it meant to be a republican. For him, republicanism meant rebuilding a war-torn nation through respect and forgiveness, both for Britons and for loyalists who remained in the colonies. Although he rejected party factions immediately following the war, like many other members of the founding generation, he eventually embraced party politics. For the remainder of his life, Gadsden identified as a Federalist, and vehemently supported John Adams.

Attending to Gadsden's life allows us to see how the evolution of political identity in the Revolutionary era was an intensely personal matter. This is sometimes difficult to see in histories that focus on the better-known "Founding Fathers" or the

wider trends of the Revolution. Instead, charting Christopher Gadsden's political life allows us to pinpoint certain moments that were formative in his political evolution. These moments became important for reasons that were peculiar to him. Studying his experiences, then, illustrates that it is impossible to make sweeping generalizations about the motivations of men like Gadsden, who were instrumental in the fight for American independence.

Perhaps more importantly, following Gadsden's political life makes it clear that many of the terms we use to classify those who ultimately fought for American independence, including "radical" or "patriot," are not true representations of their political beliefs at any given moment. Gadsden, although commonly viewed as one of the most radical supporters of American independence, grounded his claims in the constitutional and customary rights of British subjects. Moreover, he eventually tempered his views in response to shifting social and economic conditions. In fact, his reaction to political events in the early republic seem surprisingly conservative when viewed against his reputation as a political radical. In order to understand the Revolution, then, it is vital to understand that the individuals who fought for independence were human beings, with their own quirks and inconsistencies. Their lives were no more one-dimensional than ours are today, and they defy our attempts to paint them with a single label.

## **DEFINING RIGHTS**

When Christopher Gadsden entered the Commons House of Assembly in 1757, he was almost immediately faced with a conflict that shaped his understanding of the role of the British government in colonial affairs. The Cherokee War, which was a regional manifestation of the French and Indian War, fundamentally altered Gadsden's views about the propriety of British interference in colonial affairs. As a result of the Cherokee War, Gadsden began to see British intervention as an unnecessary imposition – he felt that colonial self-rule, backed by English law, was the best form of government, and he became a leader in asserting the rights of South Carolina colonists to control their own internal affairs. As the British attempted to impose stricter control on the colonies following the War, Gadsden became mired in an additional controversy. Conflict over his election to the Commons House of Assembly strengthened his belief in the policy of non-intervention, and also prompted Gadsden to begin articulating a case for colonists' rights based in natural rights philosophy. As a result of these two conflicts, Gadsden became among the earliest and most vociferous defenders of rights – both for colonial self-governance through elected assemblies and for British subjects outside the metropole.

## **THE CHEROKEE WAR AND COLONIAL RIGHTS**

The Cherokee War, a regional manifestation of the French and Indian War, was officially declared in 1756, but actually began two years earlier on the Virginia frontier, when George Washington was defeated at Fort Necessity. In 1755, Virginia militiamen

killed several Cherokee warriors who were aligned with the American colonists but had deserted during battle. The murder of these warriors, along with the inability of South Carolina officials to keep their promises to the Cherokee tribe, heightened tensions in Cherokee country, which encompassed much of the northwestern border of the colony. This, in turn, endangered South Carolinians living on the frontier. Although the Governor of South Carolina, William Lyttelton, attempted to rectify the situation with promises of a compromise, the Cherokee were not satisfied with his assurances.<sup>14</sup>

As early as October of 1759, Gadsden began to urge the colonial government to pursue a military response to escalating tensions with the Cherokee. In a letter to Governor Lyttelton, Gadsden even volunteered to fight the Cherokee himself, along with others who agreed to “attend your excellency as volunteers on your Expedition against the Indians,” and who were “ready to do any duty” that Lyttelton commanded.<sup>15</sup> These volunteers would eventually accompany Lyttelton on an expedition to Fort Prince George, a journey which began the Cherokee War in earnest. Gadsden’s eagerness for war with the Cherokee revealed personality traits and tendencies that would continue to manifest themselves in the following decades. Specifically, Gadsden’s conduct during the Cherokee War revealed that he was inclined to favor immediate and violent retaliation against those who offended or threatened the colony’s safety and independence. Unlike other colonists, including the more moderate Henry Laurens, who would have preferred to resolve the conflict through discussion, Gadsden believed that violence was the only way to maintain public safety in the face of outside aggression.

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<sup>14</sup> Walter Edgar, *South Carolina, A History* (Columbia: University of South Carolina Press, 1998) 205-6.

<sup>15</sup> Christopher Gadsden to Governor William Henry Lyttelton, Oct. 31, 1759, *WCG*, 12.

For Gadsden, this inclination only grew stronger during the 1760s, as the Cherokee War intensified. In February 1760, a Cherokee war party attacked a refugee wagon train, killing and/or mutilating a number of the passengers. This plunged the frontier into chaos. Hundreds of settlers crowded into makeshift forts, where disease, corruption, and malnutrition were as deadly as attacks from Native Americans.<sup>16</sup> At the beginning of the Cherokee War, Governor Lyttelton had insisted upon battling the Native Americans in their territory rather than opening up peace negotiations. This proved a disastrous choice, and soldiers continued to die from small pox and other diseases in alarming numbers.

Given these dire circumstances, the Commons House of Assembly requested British troops to help retake the frontier. Ultimately, British military leaders would spearhead two campaigns against the Cherokees. The first began in April 1760, when Colonel Archibald Montgomery and 1,200 Scot Highlanders arrived, only to be ambushed by Cherokees as they marched inland. Montgomery, after burning some villages and crops, returned to Charleston and announced that the Cherokee had been defeated and that the threat was ended. Neither the colonists nor the Cherokee were fooled by Montgomery's announcements, however, and the war dragged on.<sup>17</sup>

After Montgomery's failure to end the Cherokee attacks, his second in command, Colonel James Grant, was given the supreme command for the second campaign. The decision to promote Colonel Grant after Montgomery's dismal failure infuriated Gadsden, who believed that the leader of the army should have been from South

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<sup>16</sup> Edgar, *South Carolina*, 205-6.

<sup>17</sup> *Ibid*, 206-7.

Carolina. Gadsden perceived the promotion of Grant over American colonists as a heavy-handed attempt by the British to usurp control over colonial affairs.<sup>18</sup> Gadsden was in favor of using British troops to boost their numerical advantage against the Cherokees, but he had never supported the imposition of British control and authority. Most Assembly members agreed with Gadsden's position. Although the Assembly had requested British troops to help defend the colony, they, too, had thought that a South Carolinian would be commissioned to lead those troops.

This was in part because Gadsden and other Assembly members believed that only the Assembly was empowered to make strategic decisions with regard to colonial defense. This belief was based on previous practice. For years, South Carolina colonists had managed their own frontier affairs, including matters of supply and defense. For example, in his early days in the Assembly, Gadsden, Benjamin Smith, and Henry Laurens were tasked with procuring military stores for the province.<sup>19</sup> In a letter to William Allen on October 27, 1757, they requested a variety of military stores to be shipped to South Carolina, with the stipulation that supplies could not exceed one thousand pounds sterling.<sup>20</sup> The British usurpation of what colonists perceived as a customary colonial right to govern themselves seemed to violate their unwritten customary constitution.

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<sup>18</sup> Daniel McDonough, *Christopher Gadsden and Henry Laurens, The Parallel Lives of Two American Patriots* (London: Associated University Press, Inc., 2000,) 36-8.

<sup>19</sup> Benjamin Smith was also elected as a member of the Commons House of Assembly in September 1757 as a representative of the parish of St. Philip. *Members of the Commons House of Assembly,* Oct. 6, 1757, *PHL*, vol. 2, 537.

<sup>20</sup> William Allen was a merchant with considerable political influence in Pennsylvania, becoming the chief justice of the province from 1750 to 1774. He was also partnered with Joseph Turner in the Durham Iron Works Company. *Members of the Commons House of Assembly,* Oct. 6, 1757, *PHL*, vol. 2, 537; Henry Laurens to William Allen, Oct. 27, 1757, *PHL*, vol. 2, 537-9.

Gadsden's overwhelmingly negative opinion of the decision to remove colonial defense from local control was only confirmed in the campaign of June 1761. After a fierce hours-long battle between Grant's army and Cherokee warriors, the Cherokee eventually fled. Rather than following the fleeing tribe, however, Grant ordered his men further into Cherokee territory, and destroyed every village in the region. He also stole or destroyed acres of crops, and captured or killed the few Cherokee left behind. Grant reasoned that these actions would severely cripple the Cherokee resistance.<sup>21</sup> One of the men present during this campaign, and perhaps the biggest supporter of Grant's actions, was Henry Laurens, who had been commissioned as a Lieutenant Colonel in 1760.<sup>22</sup>

However, other colonists, including Gadsden, learned a different lesson. Indeed, the June campaign against the Cherokee sowed the seeds of conflict in South Carolina that would last through the Revolutionary War, and was a pivotal moment in Gadsden's political education. Specifically, it provoked a bitter personal dispute between Christopher Gadsden and Henry Laurens, one that would ultimately ruin their friendship and help to define their views on British intervention in colonial governance. By the end of the war in 1762, Christopher Gadsden was the greatest critic of the British Cherokee policy, while Henry Laurens was its biggest defender.

Early newspaper essays capture Laurens' and Gadsden's deteriorating personal and political relationship, as the Cherokee War highlighted their divergent views about their position in South Carolina's political structure and, in turn, the colony's position

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<sup>21</sup> David Duncan Wallace, *The Life of Henry Laurens with a Sketch of the Life of Lieutenant Colonel John Laurens* (New York: G.P. Putnam's Sons, 1915), 102-3.

<sup>22</sup> *Commission as Lieutenant Colonel*, Sept. 16, 1760, *PHL*, vol. 3, 46-8.

within the British Empire. In two essays, written under the pseudonym “Philopatrios,” Gadsden attacked Colonel James Grant’s conduct in the two campaigns against the Cherokee. Specifically, Gadsden contended that Colonel Henry Middleton, who outranked Grant, should have been in command instead of a ‘glory seeking’ British officer. This opinion reflected Gadsden’s broader concern that the British were deviating from customary practice by replacing creole elites like Middleton with royal placemen. Gadsden believed that it was a colonial right to lead military affairs in the colonies; Grant’s appointment above Middleton was a direct attack on this right.<sup>23</sup> British meddling in colonial affairs seemed even more sinister when it appeared to be motivated by Grant’s personal desire for glory and his interest in making the colonies appear incapable of handling their own affairs.<sup>24</sup>

In the first Philopatrios essay, published in the *South Carolina Gazette* in 1762, Gadsden also defended the Provincial Rangers, whom Grant accused of cowardice in the battle of June 1760. Gadsden sought to prove that it was actually Grant who was responsible for the failure of the mission, as well as other failures, including the fall of Fort Loudon. Gadsden further accused Grant of claiming victories he had not won, thereby misinforming the inhabitants of the colony and taking credit away from South

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<sup>23</sup> In all American colonies, British intervention in what seemed to be colonial affairs created tension between colonists and royal authority and was a leading cause for the protests that eventually sparked the Revolution. See, e.g., Gordon Wood, *The American Revolution: A History* (New York: A Modern Library Chronicles Book, 2003), 1-29.

<sup>24</sup> The Philopatrios Essays on the Cherokee Wars, An Abstract,” Dec. 18, 1761, *WCG*, 14-15; Full Essay Available in *SCG*, Dec. 18, 1762; Some Observations of the Two Campaigns Against the Cherokee Indians in 1760 and 1761 in a Second Letter from Philopatrios, An Abstract, 1762, *WCG*, 14-5; Advertisement for essay in *SCG*, Mar. 12, 1763; Full Essay Available Online from Evans Early American Imprint Collection.

Carolinians.<sup>25</sup> The main theme of this set of grievances is Gadsden's fear that the British would always claim credit for victories, while blaming the American colonists for any perceived failures. The broader lesson to be learned from this, according to Gadsden, was that British intervention should be avoided at all costs. It appears from these early essays that Gadsden was already beginning to form a strong opinion that the relationship between South Carolina and Great Britain should be left at non-intervention and self-governance.

In the *Philopatris* essays, Gadsden also charged Grant with timidity that bordered on cowardice. He noted that Grant, instead of vigorously pursuing the enemy and "cutting as many throats" as possible, simply burned cornfields and destroyed towns.<sup>26</sup> For Gadsden, Grant's lack of aggression was a crippling weakness. He believed that violence was not only necessary to control and sway political affairs, but commendable. Like many other colonists as well as Britons throughout the Empire, Gadsden did not believe that political violence was extralegal – rather, it was an important way to agitate for changes within the broader legal system. Even at an early date, then, Gadsden saw a role for the violent protest of unjust policies. This belief would eventually become stronger in the years leading up to the Revolution and is the main focus of the next chapter.

Indeed, Gadsden's outspoken criticism did not end with the conflict, but extended to the terms of peace. Gadsden was just as critical of the Treaty of 1762, which ended the Cherokee War, as he was of Grant's conduct. He viewed the treaty as an invitation to

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<sup>25</sup> *Some Observations*, WCG.

<sup>26</sup> *Ibid.*

further violence because of its easy terms.<sup>27</sup> Gadsden believed that the Cherokee should be punished as harshly as possible in order to prevent future conflicts; he did not believe that leniency would improve relations. Gadsden's experience with colonial affairs led him to believe that the Cherokee would always be at war with the colonists, and that it was time to end the threat permanently.

The second Philopatris essay, "Observations on the Two Campaigns against the Cherokee Indians, in 1760 and 1761," was written in 1762, but was not publicly accessible until 1763. This essay was different from the first because although it was advertised in the *Gazette*, it was actually printed and sold separately by Peter Timothy, the editor of that newspaper.<sup>28</sup> In the "Observations," Gadsden set out to do three things: to vindicate the actions of the Rangers, to prove that Colonel Grant was in charge of both campaigns, and to illustrate that Grant lost two opportunities during these campaigns to destroy the Cherokees. By doing so, Gadsden hoped to show that as a Briton from the metropole, Grant did not have the knowledge or the right to lead the campaign. He also hoped to reclaim honor for South Carolina colonists, whom he believed Grant disgraced. Throughout the discussion of these three points, Gadsden's view on the relationship between Britain and the colonies, as well as his admiration for war, became clear.

Most importantly, throughout the "Observations," Gadsden also consistently argued that there was a fundamental distinction between British and colonial rights, based on customary control and practice. For Gadsden, all British subjects, at home and abroad, shared the same inherent and constitutional rights – all British subjects were bound and

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

protected by the British constitution. However, he did believe that power was geographically circumscribed, with different authorities exerting control in their respective spheres based upon customary practice. If colonists did not interfere with politics and war in the metropole or the wider European Continent, then Britons at home should pay colonists the same respect.

As previously mentioned, in the campaign of 1760, Colonel Archibald Montgomery technically served as the commander of chief. However, based upon his interpretation of correspondence between Montgomery and Grant, Gadsden reached a different conclusion: that “Grant had the greatest share in the direction of all the principal actions of this campaign.”<sup>29</sup> Gadsden spent an entire twelve pages proving this point in order to support several larger conclusions. First, Gadsden wanted to show that any problems with the campaign were the results of Grant’s actions. Second, he wanted to illustrate that the failures of the second campaign were due to Grant’s inability to admit his shortcomings in the first campaign and to learn from them. Finally, Gadsden sought to prove that Grant was in charge of the first campaign in order to show that he “lost two fine opportunities in 1760, of relieving Fort Loudoun, and gloriously and effectually finishing the war with the Cherokees.”<sup>30</sup>

For Gadsden, Grant’s decision not to relieve Fort Loudoun, where South Carolinians were unable to escape due to attacks, was one of his most unforgivable offenses. Gadsden claimed that Grant “never intended to go to Fort Loudoun at all” and was instead content to risk “the lives of above 200 fellow-subjects” who were then

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

“looked upon by the Indians as their certain prey.”<sup>31</sup> Grant’s decision to abandon Fort Loudoun revealed his lack of sympathy for the colonists stationed there, according to Gadsden. It was not a tactical decision to avoid confrontations with the Indians, but rather stemmed from his hard-heartedness. This illustrates Gadsden’s belief that British authorities, and more specifically Grant, did not view the lives of colonial subjects as equal to the lives of subjects living in Great Britain.

In addition to accusing Grant of failing to relieve Fort Loudoun, Gadsden also claimed that Grant had failed to move against the Cherokees when there were opportunities to do so. Gadsden insisted that Grant’s inaction amounted to stalling, and made it appear that “the colonel was afraid of proceeding further” and entering into battle with the Cherokees. This, in turn, gave the Cherokee warriors a perfect opportunity to reignite the fires of resistance and to establish defenses.<sup>32</sup> Not only did Gadsden accuse Grant of cowardice in the face of the Cherokees, but he suspected a much more sinister reason for Grant’s actions. Gadsden believed that Grant purposefully avoided confrontation with the Cherokees in order to prolong the conflict and to make a second “expedition absolutely necessary.” In this campaign, he – rather than Montgomery – would be named commander, and therefore “gain all to himself.”<sup>33</sup>

This fear that Grant had prolonged the Cherokee War in order to engross power reveals one of Gadsden’s earliest concerns about the British Empire and about the role of colonists within the Empire. It seemed to Gadsden, as well as many other colonists, that

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

British interlopers planned to take credit for things that went well in the colonies, but consistently blamed colonists for failures. This anxiety manifested a broader concern among colonists that Britons in the metropole viewed them as inferior subjects in theory and in fact.<sup>34</sup>

Gadsden reiterated this concern in his defense of the Provincial Rangers. Grant had accused the Rangers of cowardice and desertion during the first campaign, claiming that “they behaved most infamously” by fleeing “the moment they heard the firing begin.”<sup>35</sup> Gadsden, however, rebutted this claim in several ways. First, he explained that there were multiple bodies of Ranger groups, and that Grant’s accusations had damaged the entire body’s reputation, despite the fact that he only had experience with one. In addition, Gadsden claimed that the particular Rangers that Grant worked with were not, in fact, cowards because “not one” ranger actually ran from battle. Indeed, “where could they have run to? Into the Indians mouths? It would have required ten times more courage to have done so, than to remain with the troops.”<sup>36</sup>

In his usual sarcastic manner, Gadsden not only rebuked Grant’s claims that the Rangers were cowards, but also implied that Grant himself lacked knowledge in dealing with the Indian tribes. As an outsider, Grant did not know how to deal with the Cherokees, which for Gadsden was a primary reason why Indian affairs should be left to

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<sup>34</sup> Gadsden, along with most other colonists, constantly feared that the British viewed them as inferior subjects. As Gordon Wood has shown, “[i]n comparison with prosperous and powerful metropolitan England, America in the middle of the eighteenth century seemed a primitive, backward place. . . the colonists repeatedly felt pressed to apologize for the crudity of their society.” Wood, *The American Revolution*, 3. Moreover, “[f]ew imperial officials had ever doubted that the colonies were supposed to be inferior.” *Ibid.*, 5.

<sup>35</sup> Some Observations, *WCG*.

<sup>36</sup> *Ibid.*

colonists. He ridiculed Grant for thinking that any South Carolinian would run into the forests, which would place them into the hands of the natives themselves. No South Carolinian would risk desertion, according to Gadsden, because as frightening as a battle may be, becoming marooned in Cherokee territory would be worse. He ridiculed Grant for his ignorance, facetiously remarking that he was “surprise[ed] this had no weight with the colonel, one so *thoroughly versed* in the Indian matters!”<sup>37</sup> For Gadsden, Grant’s ignorance underscored the fact that he was incompetent to manage what should have been a colonial affair. Because South Carolinians understood the Cherokee better than British soldiers like Grant, it made sense as a practical as well as a political matter, for colonists to handle frontier defense themselves.

In the second Philopatris essay, Gadsden again blamed Grant’s inexperience for the failures of the peace treaty that ended the Cherokee War. Gadsden viewed the treaty as unacceptable because it did not go far enough in punishing the Cherokees. According to Gadsden, “the situation the colonel has reduced us to with the Indians, will be shown to be very shameful and precarious,” and that Grant “may be sent to us perhaps a third time to complete his work.”<sup>38</sup> This refusal to accept a compromise treaty at the end of the Cherokee War represents an early manifestation of Gadsden’s desire for a decisive and violent end result. In this case, Grant’s inadequate experience and knowledge of the dangers of Cherokee attacks on the frontier ultimately meant that the British failed to punish the Cherokees harshly enough. This would only lead to more conflict, according to Gadsden.

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<sup>37</sup> Ibid; italics are Gadsden’s.

<sup>38</sup> Ibid.

Colonists like Henry Laurens disagreed with Gadsden's interpretation of the Cherokee War. In a response to the "Philopatris" essays, Laurens wrote a series of letters under the name of "Philolethes." These letters were never printed, although Laurens threatened Gadsden with their publication. Nonetheless, they were circulated privately, and reveal Laurens' anger with Gadsden, as well as his opinions on the Cherokee campaign and resulting peace. In these letters, Laurens defended Grant's actions as well as the Peace Treaty that he himself helped to create.<sup>39</sup> Laurens first warned Gadsden not to "mistake" him for a stooge of Grant. Rather, he had "the cause of truth and...the cause of *my country* much more at heart."<sup>40</sup> The language that Laurens uses here, "my country," encapsulates a key difference in identity that was beginning to emerge between Laurens and Gadsden.

Indeed, the Cherokee War had prompted Gadsden to begin seeing himself as a South Carolinian as much as a Briton. His "country" was South Carolina, and his outrage stemmed from the fact that an outsider had been placed in charge of colonial affairs. Laurens however, continued to view himself as part of the same country as Colonel Grant – as a Briton (albeit a colonial one). Even as early as 1761-62, then, Gadsden was beginning to see himself as the citizen of a colony that was within, but also separate from, the British Empire. Certainly Gadsden did not argue for political separation at this early date, but we can see that he was beginning to reappraise the constitutional position of South Carolina within the British Empire, while Laurens' ties to Britain appear to be much stronger.

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<sup>39</sup> A Letter Signed Philolethes, Mar. 2, 1763, *PHL*, vol. 3, 285-7.

<sup>40</sup> *Ibid*, 275.

Understanding the differences between Laurens and Gadsden is key to understanding Gadsden himself. Although Laurens would eventually support the Revolutionary cause, his transition to this opinion was slow and reserved. In contrast, as early as the Cherokee War, we can see a more accelerated transition in Gadsden. Already in the early 1760s, Gadsden viewed himself as different from British subjects in the metropole. He had already begun to question the power of the British Empire and its officials within the colonies. In a sense, Gadsden had begun at this early date to question his role in the wider British Empire – where did his loyalties lie? To a royal governor? To a British Colonel? To the people of South Carolina?

Apart from concerns about loyalty and individual identity, Gadsden also began to question the proper role of the British Empire in colonial affairs. As his attack on Grant illustrates, Gadsden believed that imperial officials should have a secondary role in governance – the colonists should control their own affairs and their own defense. The actions of the British government during the Cherokee War triggered Gadsden’s concerns because he viewed them as a challenge to the customary constitutions of the colonies, and to the English rights and principles those constitutions were created to protect.<sup>41</sup> For Gadsden, as well as most other colonists in the period, British intervention seemed to imply that colonists were second-class subjects. Despite the fact that he had begun to identify himself as a South Carolinian, he nonetheless saw this as a threat to his rights as a British subject.

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<sup>41</sup> Jack Greene ed., *The Constitutional Origins of the American Revolution* (Cambridge: Cambridge University Press, 2011), ix.

The events of the Cherokee War were formative in the political career of Christopher Gadsden. He established himself as a defender of the colony and its people and as a willing and vociferous critic of imperial intervention. However, this conflict also brought questions of personal rights to the surface. If colonial rights to self-govern were being questioned, would individual rights as a British subject also be open to questioning? The difference between colonial rights and individual rights is minute, but nonetheless of extreme importance. For Gadsden, colonial rights encompassed the rights of the colony in the wider Empire – for example, the colony’s right to control its defense. In contrast, individual rights referred to the rights given to British subjects under the constitution – for instance, the right of an individual to a trial by jury.

In the wake of the Cherokee War, this would become more pressing to Gadsden as the British government sought to bring the American colonies under stricter control. Although this attempt to exert control was part of a larger plan to collect revenue from colonists in order to repay the debts incurred during the French and Indian War, it also represented an attempt to curb the independence of colonists.<sup>42</sup> Colonists in British America responded differently to these measures. In South Carolina, post-War reforms ultimately resulted in an election controversy, which only heightened Gadsden’s defense of colonial rights. His response to the election controversy also represented a more mature articulation of those rights, one that grounded them in natural rights philosophy.

## **THE ELECTION CONTROVERSY AND INDIVIDUAL RIGHTS**

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<sup>42</sup> McDonough, *Parallel Lives*, 48.

When Governor Thomas Boone arrived in South Carolina in 1761 from New Jersey, colonists were optimistic that his local ties would help to ease political tensions. Although Boone was born in England, his father, Charles Boone, was a merchant with family connections in South Carolina. The new governor also owned considerable property in the colony and had lived there for many years before being appointed as the governor of New Jersey.<sup>43</sup> Despite colonists' optimism about Boone, however, he soon disappointed South Carolinians by provoking a constitutional controversy with the Assembly. Building upon his earlier criticism of the British government's attempts to intervene in colonial affairs, Gadsden defended one of the Assembly's most fundamental and customary rights – the right to elect their own officials.

As a result of pressures from Britain, Governor Boone sought to bring South Carolina's government under more direct metropolitan control. Shortly after his arrival, he began this process by reviewing the colony's laws. During this review, he discovered that the Crown had disallowed the 1759 Election Act, which outlined the election process that had returned the Assembly's current members. Boone was ordered to dissolve the Assembly and to hold new elections under the original Election Act of 1721. Although the King gave two ostensible reasons for rejecting the Act, it seems clear that the Crown had actually disallowed the law in an attempt to put the Assembly in its place. The Crown's first claim in rejecting the Act was that there was no need to change the old law and, more importantly, that it was not in the Assembly's power to alter an existing law unless it satisfied the Crown. Secondly, the Crown objected to the Act because it lacked a

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<sup>43</sup> James Potts, *Christopher Gadsden and the American Revolution*, PhD diss. (Ann Arbor: University Microfilms International, 1980), 71.

suspending clause. This clause was mandatory for colonial legislation and stated that a law would not be implemented until it received Crown approval. The lack of a suspension clause meant that the Election Act went into immediate effect.<sup>44</sup>

When Boone attempted to explain the Act's disallowance, he only exacerbated tensions between himself and the Assembly. Boone informed them that the Crown had no objections to changing election laws in theory, but insisted that colonists needed prior approval before passing legislation. Although he agreed with the Assembly that the current election law was flawed, he insisted that colonists must seek permission first. Furthermore, he informed the Assembly that he had received instructions from London to secure a set of particular amendments to the election law.<sup>45</sup> Although it was not his intention, Boone alienated himself from the colonists by defending the disallowance. In particular, Boone's defense highlighted the fact that the Crown did not object to the law itself, but rather sought to tighten its control over the Assembly by forcing them to seek prior approval.

For colonists like Gadsden, the disallowance of the Election Act was a threat to self-governance. It effectively meant that the Assembly could not regulate its own elections without permission from the Crown, which seemed to be an infringement upon a right that the Assembly had long exercised.<sup>46</sup> Other Assembly members agreed. To be told that the Crown had set aside the law for no practical reasons, and then to be told they should submit another law was going too far. The Assembly refused to act as the Crown

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<sup>44</sup> *Ibid*, 79.

<sup>45</sup> *Journal of the Commons House of Assembly*, March 19 & 24, 1762; Potts, *Christopher Gadsden*, 79-82.

<sup>46</sup> *Journal of the Commons House of Assembly*, March 19, 1762; Potts, *Christopher Gadsden*, 79.

requested, and informed Boone that there was nothing wrong with the law as it existed.<sup>47</sup> Boone, in turn, was offended by the Assembly's recalcitrance. He decided to teach the Assembly a lesson by demonstrating the Act's flaws at the next available opportunity.<sup>48</sup> Unfortunately for Boone, this opportunity arose when the voters of St. Paul's Parish elected Christopher Gadsden in September 1762.

The procedure for elections in colonial South Carolina was complex. Elections were authorized by a writ issued by the Governor and Council, and were conducted by the church wardens of the parish. After the votes were tallied, the wardens were directed to complete the writ according to a prescribed formula and to return it to the Clerk of the Council. However, in the Gadsden election, either due to custom or ignorance of the law, the wardens of St. Paul failed to complete the writ and returned it to William Simpson, the clerk, without the required information. This was irregular, but not unusual. Wardens were often not conversant with the technicalities of election law, but tended to follow customary traditions. In such cases, it was usual for the clerk to complete the writ in proper form on the basis of the vote tally.<sup>49</sup> Given the tense state of affairs between Boone and the Assembly, however, this error ultimately created a political controversy.

At first, it seemed that the wardens' omission would be rectified in the usual manner. After the election, the wardens learned of their error, and in early August, one traveled to Charleston to ask Simpson to return the writ so it could be completed. Simpson informed the official, Warden Miles, that there was nothing to worry about.

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<sup>47</sup> *Journal of the Commons House of Assembly*, March 24, 1762; Potts, *Christopher Gadsden*, 80-81.

<sup>48</sup> M. Eugene Sirmans, *Colonial South Carolina A Political History, 1663-1763* (Chapel Hill: The University of North Carolina Press, 1966), 352.

<sup>49</sup> Potts, *Christopher Gadsden*, 82.

However, Simpson also asked Miles if he had taken an oath before conducting the election, and Miles responded that he had not. This question related to one of the more ambiguous points of the Election Act. Although some colonists argued that all election officials must take a specific oath before administering an election, others claimed that church wardens were exempt from this rule because they took a general oath of office. The Assembly had typically ascribed to this second interpretation, but Simpson's question suggested a point of contention.<sup>50</sup>

On September 13, 1762, the Assembly voted to return the writ for completion, and announced that Christopher Gadsden had been duly elected to represent the parish. Gadsden appeared later in the afternoon to claim his seat. Everything seemed to be in order: the oath of office was administered and two Assembly members accompanied him to the Governor for the administration of the state oath. However, upon arrival, Boone declared that Gadsden could not be seated because the churchwarden had not sworn the appropriate oath, in violation of the Election Law.<sup>51</sup>

Boone's intervention in this particular case raised two important constitutional issues for Gadsden and other Assembly members. By refusing to let Gadsden take his seat, Boone challenged the Assembly's right to exercise one of the basic privileges of Anglo-American parliaments – the right of an elected assembly to determine validity of elections. Secondly, Boone implied that the Assembly existed, not as a right belonging to the people of South Carolina as British subjects, but through the Crown's grace. This was an ominous distinction. Indeed, if the Crown granted colonists' rights, then they could be

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<sup>50</sup> Ibid, 83-4.

<sup>51</sup> Ibid, 85-6.

changed at the Crown's pleasure.<sup>52</sup> Gadsden, for his part, refused to accept this interpretation. The resulting ideological battle effectively brought South Carolina politics to a halt and caused the Assembly to cease functioning for over a year and a half.

As he had done before, Gadsden responded to this latest political crisis in the popular press. In the December 11, 1762 edition of the *South Carolina Gazette*, Gadsden placed an advertisement that ignited the public controversy surrounding the Election Act. Although the piece was anonymous, it was widely believed to be Gadsden's work based upon stylistic evidence and the use of the Latin phrase '*tempora mutantur et nos mutamur in illis*,' meaning 'times are changing and we are changing with them,' a phrase that Gadsden had used in the Philopatris letters. In the advertisement, Gadsden implied that Governor Boone was not as thoroughly acquainted with the British constitution as he had claimed. Gadsden again chose to rely on sarcasm to prove his point, claiming that the Election Act had been disallowed by "a most profoundly learned, critical and eloquent political orator, thoroughly acquainted with the British constitution" who apparently believed "that the foundation of the present election of any member of assembly is in a particular oath of the church warden, and not in the choice of the freemen of the parish." Gadsden continued that Boone must believe that "the least part of the mode of a thing is more material than its whole essence."<sup>53</sup> Like other colonists, Gadsden understood the British constitution to be based in custom. Actions that took place time and again, without comment or interruption, became a source of binding legal authority. This was

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<sup>52</sup> Sirmans, *Colonial South Carolina*, 352.

<sup>53</sup> The style of the writing and some of the quotations used have led historians to the conclusion that it was written by Gadsden. An Advertisement, Dec. 11, 1762, *WCG*, 15-7.

true when it came to the Election Act, in which colonists viewed the wording as less important than its customary implementation. By suggesting that Boone was ignorant of local practice -- in which church wardens typically did not take an oath before administering elections -- Gadsden sought to undercut his claim.

Secondly, Gadsden claimed that the election controversy, and specifically Boone's remarks, revealed that "the rights and privileges of the people of this province, proved to be ultimately *permissive*, not *inherent*."<sup>54</sup> In the satirical style that was already becoming his trademark, Gadsden essentially accused Governor Boone, and by extension the British government, of tampering with colonists' inherent rights. He lampooned the notion that the Crown only granted rights to colonists -- that colonists did not have natural rights. Indeed, the election controversy forced Gadsden to articulate a natural rights defense of colonial customary practices. For Gadsden, the inability of the Assembly to control its own elections meant that the Assembly members were no longer able to exercise their rights as British subjects, rights that stemmed both from British law and from the natural, or inherent, rights of man. This advertisement, along with Gadsden's other essays touching upon the election controversy, are perhaps some of the earliest appeals to natural rights philosophy published in America.<sup>55</sup>

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<sup>54</sup> An Advertisement, Dec. 11, 1762, *WCG*, 15-7.

<sup>55</sup> Although we do not have a record of the books Gadsden owned, most politically prominent colonists of his generation were familiar with the writings of philosopher John Locke. According to David Lundberg and Henry F. May, of 92 libraries between the period of 1700-1776, 41% had copies of John Locke's *An Essay Concerning Human Understanding* and 15% had copies of *Two Treatises on Government*; Newspaper editors, such as Peter Timothy of the *South Carolina Gazette*, often published advertisements for the newest publications ranging from sermons, medical journals, and philosophical or political articles. It is likely that as Gadsden had the financial means to do so, he may have been acquainted with Locke in this manner or through the Charleston Library Society. David Lundberg and Henry F. May, "The Enlightened Reader in America," *American Quarterly* 28, no. 2 (1976): 273.

Gadsden's clearest attempt at a natural rights-based defense of colonial rights appears in his essay "To The Gentlemen Electors of the Parish of St. Paul, Stono," published in 1763, which also defended the Assembly's conduct in the election controversy. Gadsden began by echoing claims that "none of the British subjects residing in America have given their votes for any member of parliament of Great-Britain." This denied "British Americans" of "that birth-right and most characteristical privilege, that every, even the lowest Individual Man, of her domestic subjects, may be, and most of them actually are, entitled unto, that of voting for a member of parliament." As "British subjects," Americans had been denied their right to representation in Parliament. Surely, he argued, the Crown would not dispute their "natural right, to be represented somewhere" and he questioned "where can that somewhere be, but in America?"<sup>56</sup> It is clear that for Gadsden, the failure of Governor Boone to read him the oath of office infringed upon colonists' rights to representation. Gadsden's claims were simple – as British subjects, colonists should be represented in Parliament. As they were unrepresented there, they were certainly entitled, as a matter of natural law, to representation in South Carolina.

Throughout the essay, Gadsden not only grounded his claims in his own feelings and interpretations, but argued that he spoke for the Assembly as well. He insisted that the Assembly felt that their "all was at stake," and that if they did nothing, they would become "a mere piece of state-mockery." He also claimed that it is "a joke to talk of individual liberty of free men, unless a collective body, freely chosen from amongst

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<sup>56</sup> To the Gentlemen Electors of the Parish of St. Paul, Stono, Feb. 5, 1763, *WCG*, 31.

themselves are empowered to watch and guard it” and that if the Assembly should lose their collective freedom, “the individual must follow of course.”<sup>57</sup> This particular argument suggests that if an Assembly loses its rights as a political body, then by extension, the individuals who encompass that body also lose their ability to be free. This slippery slope argument suggested that the Assembly stood to lose any number of the liberties that flowed from the right of free assembly.<sup>58</sup>

Furthermore, Gadsden used historical precedents to defend his claims. He pointed to the Glorious Revolution of 1688 as evidence that free elections were a right of British subjects. In fact, he noted that the Act of Settlement accused James II of having “violated the freedom of elections of members to serve in parliament.” He extrapolated from this that representatives were only free if “the people or their representatives” themselves judged whether elections were, in fact, free. Gadsden argued that in the British system in particular, elections must be free of royal control. If a King could be accused of violating this right, then so too could his colonial representative, the royal governor. Gadsden uses this example to show that Parliament, or in his case, the Commons House of Assembly, must defend their freedom to choose their own representatives, regardless of consequences.<sup>59</sup>

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<sup>57</sup> Ibid, 23.

<sup>58</sup> Gadsden placed his faith in the King to prevent this unhappy occurrence. “Thank God!” he wrote, “[w]e have as good a king upon the throne as ever graced it, who has given the earliest and most endearing signs of his tenderest regard for the liberties and privileges of his subjects, and has thereby manifestly shown, his inclination is, to reign solely in the hearts of free people, not over a parcel of slaves; free men I say, who have an inherent not permissive right to be so.” To the Gentlemen Electors of the Parish of St. Paul, Stono, Feb. 5, 1763, *WCG*, 30-1.

<sup>59</sup> To the Gentlemen Electors of the Parish of St. Paul, Stono, Feb. 5, 1763, *WCG*, 30.

Perhaps more importantly, Gadsden pointed to more recent history to defend the principle of free elections. He reminded his readers of a similar case that occurred under Governor Lyttleton's tenure as governor. In this case, when an election was under scrutiny, "a regular petition against the election was laid before the house," but the Assembly determined that the election was sound. In contrast to Boone's actions, Lyttleton "never attempted to interfere with the house, he being convinced most certainly that the judgment of the election of their own members solely belonged to that house."<sup>60</sup> This example is important for a number of reasons. First, it established that in the case of an election controversy, it was customary for the governor to stay out of the Assembly's affairs. This argument was particularly powerful, because in the context of the British Atlantic World, custom was a binding source of legal authority. This example was also a powerful one because it would have been familiar to most colonists. Although some colonists might not have been aware of statements made by Parliament in 1688, they likely would have remembered Governor Lyttleton and his actions.

For Gadsden, this defense of natural rights was inextricably linked to the defense of colonial rights he mounted during the Cherokee War. If colonial rights were disregarded, so were individual rights, and vice versa. Gadsden's roles in these events helped shape and define him as a defender of a colony's collective rights, flowing from Britain's unwritten constitution, and individual rights as British subjects. In the context of these two political events, Gadsden began to formulate his own idea of what it meant to be a British subject. It is clear even in these early years that Gadsden believed that the

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<sup>60</sup> Ibid, 36.

most important aspect of political governance was freedom from British intervention in providing local security and in operating elections to the assembly, and that this freedom flowed directly from colonial rights and the rights of British subjects.

## **DEFENDING LIBERTY**

The election controversy and the Cherokee War were not only formative for Christopher Gadsden in that they prompted him to sharpen his views on colonial rights. They also provided Gadsden, along with other members of the Assembly, valuable experience in opposition politics. They learned which methods of protest were effective and which were not. In particular, Gadsden learned how to use the public press to his advantage, the effectiveness of halting Assembly business, and the usefulness of organized or threatened violence. Gadsden would continue to deploy these tactics throughout the 1760s and 1770s, as the British put increased pressure on American colonists through legislation. As colonists responded to the Stamp Act, Townshend Acts, and Coercive Acts, Gadsden further explored the effectiveness of both extralegal and legal protest.

As mentioned in the previous chapter, the election controversy effectively brought South Carolina politics to a halt, as the Assembly signaled its objections to the Governor's conduct by refusing to pass legislation for over a year and a half. Specifically, the Assembly declined to pass any bills until Governor Boone agreed to administer the oath of office to Gadsden. Because Boone refused to do this, the Assembly remained inactive until Boone left the province in March 1764. Christopher Gadsden defended the Assembly's actions (or inaction), arguing that this protest was justified because Boone directly violated the colonists' rights to fair representation in the Empire. Although many Assembly members agreed with Gadsden, many also took the opportunity to criticize his position. This was true of William Wragg, who claimed that the decision to halt all bills

in the Assembly was the decision of a man “determined to act contrary to reason,” and who did not have what was best for the colony at heart.<sup>61</sup> Never one to remain silent in the face of criticism, Gadsden sought to rebut these charges in a letter “to the Gentlemen Electors of the Parish of St. Paul, Stono.” In this letter, Gadsden claimed that the decision was the only “step that a *free* assembly, *freely* representing a *free* people...could *freely* take” if they cared about the preservation of the constitution handed down to them, their own welfare, and the welfare of their posterity.<sup>62</sup>

Throughout his letter, Gadsden articulated a sophisticated defense of political protest, even when it resulted in harm to individuals. He claimed that it was “better that some, or every individual, should suffer any temporary inconveniences or hardships, than to run any risk of sapping this great rock of their lasting salvation in this world, that of the freedom of parliaments or assemblies.”<sup>63</sup> Indeed, Gadsden essentially argued that men like Wragg were selfish because they placed their own needs above the needs of the colony. He posited instead that sometimes individual suffering was necessary to preserve the greatest gift of British government – free parliaments and assemblies. For Gadsden, then, even if particular methods of protest hindered the ability of individuals to pursue business ventures, they were necessary for the good of the colony.

In justifying his actions during the election controversy, Gadsden defended colonists’ natural rights based upon historical precedent, as we have already seen.

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<sup>61</sup> Ibid, 18; For a full account of one of Wragg’s many attacks on the issue see *SCG*, A LETTER “To ——— and the rest of the electors in St. John’s parish, Colleton County, as inserted, by desire of one of the parishioners, in the South-Carolina weekly Gazette of the 5<sup>th</sup> of January last, published by Mr. Robert Wells, Feb. 5, 1763.

<sup>62</sup> To the Gentlemen Electors of the Parish of St. Paul, Stono, *WCG*, 18-9.

<sup>63</sup> Ibid, 23.

Moreover, he also drew upon historical precedents to defend the Assembly's actions. He echoed the words of Parliament in 1604, which insisted to James I that although "the prerogative of princes may easily, and do daily grow and increase," the "privileges of subjects" were finite. Although they could "by good providence and care, be preserved," they could not be "recovered" after "being once lost," except "with much disquiet and disorder."<sup>64</sup> Gadsden's concerns about the misuse of executive power, informed his understanding of the legality of different forms protest. Armed with an awareness of England's own struggles with expanding executive power under the Stuart monarchs, Gadsden suggested that it was better to immediately halt actions that infringed upon colonists' rights, because once those rights were lost, they were difficult to recover without significant bloodshed. In other words, Gadsden implied that if colonial rights were continuously disregarded, violence would be justified in order to recover them.

Gadsden rejected any arguments, then, that the House's actions during the election controversy were extralegal or even rash. It is clear that from an early date Gadsden was comfortable using political violence to object to unfavorable policies. It is also clear that Gadsden was comfortable using the public press to promote his viewpoint. The "Philopatris" essays in particular caused a rift between Gadsden and his longtime friend Henry Laurens over the legitimacy of protest. Although Gadsden and Laurens both wrote under false names, it is very likely that South Carolinians knew who the authors were.

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<sup>64</sup> Ibid, 50.

Laurens disagreed with Gadsden's method as much as the substance of his complaint.

During the controversy over the Cherokee War, Laurens rebuked Gadsden for "writing a long unnecessary letter to a printer." He saw this as "mispending" his "time in railing & low personal abuse." For Laurens, Gadsden and other colonists with grievances should have followed well-worn legal channels to seek redress. They should have framed "a few short, pithy articles of complaint," and exhibited "those articles to the General [public]." Then, they could have gone through "the proper channel," the Governor of the Province, and "demanded a court of Enquiry, & General Court Martial, offering themselves to carry on a prosecution against either or both of those Commanding Officers according to Act of Parliament & the Articles of War." According to Laurens, "if this had been done" Grant's eyes "would have been opened, and by a regular and Legal process and determination the whole World would have been truly & fully informed."<sup>65</sup> For Laurens, then, aggrieved colonists should first seek redress through the provincial legal system and the legal channels available to them as imperial subjects. Gadsden's attempts to bypass this system through the use of the popular press were anathema to colonists like Laurens, who believed that British justice was second to none.

Although Henry Laurens and others criticized Gadsden's tactics in responding to the Cherokee War and the election controversy, these tactics were ultimately effective. As a result, many other colonists came to share Gadsden's opinion. They felt that they were unappreciated by the British, and were also held responsible for all failures,

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<sup>65</sup> *A Letter Signed Philoletes*, Mar. 2, 1763, *PHL*, vol. 3, 289-90.

regardless of the truth. Indeed, in the case of the election controversy, the British Board of Trade eventually sided with the Assembly and removed Boone from office.<sup>66</sup> When his replacement, William Bull, finally administered the oath of office to Gadsden, this seemed to vindicate their opposition.

However, the brief rapprochement that occurred after Boone's replacement would not last. Under Bull's tenure as governor, colonists faced even more serious threats that would put the opposition tactics they pioneered during the election controversy to the test. In the context of these conflicts, Gadsden solidified his position as a leading defender of the rights of the colony. He also had an opportunity to explore the relative effectiveness of different methods of protesting injustices. As we shall see, Gadsden was instrumental in organizing the Charleston Sons of Liberty, but he also continued to rely upon the press to counter British measure. His experiences during the imperial crisis ultimately gave him a position of leadership in bodies that were more focused on securing colonial rights through legal means, including the Stamp Act Congress.

### **THE STAMP ACT**

The Stamp Act, which Parliament passed on March 22, 1765, brought simmering tensions between American colonists and British administrators to a boil. The Act's stated purpose was to defray "the expenses of defending, protecting, and securing" the American colonies, and it was one of many attempts to force colonists to pay for their

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<sup>66</sup> Daniel McDonough, *Christopher Gadsden and Henry Laurens, The Parallel Lives of Two American Patriots* (London: Associated University Press, Inc., 2000), 58-60.

own defense in the wake of the French and Indian War. ”<sup>67</sup> In order to raise revenue, the Act required colonists to pay a tax on every piece of printed paper they used. This included everything from ship’s papers, legal documents, licenses, newspapers, and even playing cards. For example, the Act mandated “a stamp duty of three pence” “for every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed” any declaration or plea, in any court of law within the British colonies.<sup>68</sup>

Although, the actual cost of the Stamp Act was relatively small, colonists found the law particularly offensive when compared to other revenue-generating measures. First, it directly affected their pocketbooks – colonial consumers rather than merchants absorbed the cost of these new measures. Secondly, it seemed to many colonists that the Act set a dangerous precedent. In the past, taxes and duties on colonial trade had always been viewed as measures to regulate commerce, not to raise revenue. The Stamp Act, however, was a direct attempt by England to raise money in the colonies without the approval of the colonial legislatures. If this new tax were allowed to pass without resistance, colonists reasoned, the door would be opened for far more troublesome taxation in the future.

In contrast to Gadsden’s view that Americans received all of the blame and none of the praise for the Cherokee War, the British government felt that Americans received all of the benefits of the Empire, but paid none of the costs. For Britons in the metropole, who were burdened by significantly higher taxes than their American counterparts, it

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<sup>67</sup> The Stamp Act, March 22, 1765, 5 George III, c. 12.

<sup>68</sup> Ibid.

seemed fundamentally unfair that Americans should demand the rights of British subjects without assuming the financial burdens.<sup>69</sup> These different perspectives on taxation illustrate growing tensions between Britons at home and those in the colonies. For colonists, it seemed as if the British government viewed them as second-class citizens. Although the British government demanded that they pay taxes to support imperial governance, they nonetheless infringed upon colonists' rights as English subjects. For Britons in England, however, it seemed that colonists wanted to reap the benefits of empire, but were not willing to help alleviate the costs.

In the wake of the Stamp Act, colonists began to insist that the British Parliament had no authority to levy taxes on Americans because they lacked representation in Parliament. Proponents of the tax, however, countered that the colonists were virtually represented in Parliament. This theory was based upon Thomas Whately's argument that while at least 75% of British males were not directly represented because of property qualifications or other reasons, Parliament still represented all of their interests. Colonists vehemently rejected this theory, in part because they were already represented in colonial assemblies, which they believed had the sole authority to levy taxes upon them.<sup>70</sup> This difference in opinion on the meaning of representation and the practical implications of the Stamp Act led to significant protests throughout the American colonies. Within six months of the Act's passage, British officials determined that the Act simply could not be implemented, and Parliament repealed it.

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<sup>69</sup> McDonough, *Christopher Gadsden and Henry Laurens*, 62.

<sup>70</sup> Andrew J. O'Shaughnessy, "The Stamp Act Crisis in the British Caribbean," *The William and Mary Quarterly* 51, no. 2 (1994): 206-7; Matthew Mulcahy, *Hubs of Empire, The Southeastern Lowcountry and British Caribbean* (Baltimore: John Hopkins University Press, 2014), 205-6.

Few letters documenting Christopher Gadsden's views on the Stamp Act survive. However, those that do make it clear that he favored forceful resistance to the Act, in keeping with his earlier views on the effectiveness of violent protest. For example, in a letter to William Samuel Johnson, a lawyer and statesman from Stratford, Connecticut, he urged decisive action in response to the Act.<sup>71</sup> In this letter, he countered the view of colonists like Rawlins Lowndes, another South Carolinian, who believed it "more prudent and advantageous" to ignore the Stamp Act. Gadsden instead claimed that due to the unconstitutionality of the Act, colonists should oppose it quickly and forcefully.<sup>72</sup>

In the wake of the Stamp Act's passage, Gadsden helped to form the Charleston Sons of Liberty, which spearheaded resistance to the Act in South Carolina. Although Gadsden never publicly admitted his involvement with the Sons of Liberty until after the Stamp Act crisis, it was widely known that he convinced William Johnson, a mechanic, to lead the group.<sup>73</sup> The Sons of Liberty used intimidation and the threat of violence to force the resignation of stamp distributors. For example, on October 19, 1765, the people of Charleston staged a street demonstration, which resulted in the stoning and ransacking of the house of a colonist who was rumored to have some connection with the stamps. Following the protest, George Saxby, the inspector of stamp duties, and Caleb Lloyd, the distributor of stamp duties, promptly resigned their posts.<sup>74</sup>

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<sup>71</sup> To William Samuel Johnson and Charles Garth, Dec. 2, 1765, *WCG*, 64.

<sup>72</sup> To William Samuel Johnson, Apr. 16, 1766, *WCG*, 71.

<sup>73</sup> This was not unusual in the colonies. In every colony, protests were organized by a small group of men who kept their identity secret. These men coordinated their efforts and made plans for popular opposition to the Stamp Act. Philip G. Davidson, "Sons of Liberty and Stamp Men," *The North Carolina Historical Review* 9, no. 1 (1932): 39.

<sup>74</sup> Maurice Crouse, "Cautious Rebellion: South Carolina's Opposition to the Stamp Act," *The South Carolina Historical Magazine* 73, no. 2 (1972): 59.

The Sons of Liberty also sought out stamped paper, most of which had entered the mainland colonies from the West Indies. Generally, when protesters discovered these materials, they exhibited them throughout the day and burned them in the evening. They also required the owner to take an oath that they would not purchase or use the paper again.<sup>75</sup> These tactics made colonists afraid to adhere to the law. Even if individuals were not opposed to the Stamp Act on principle, the fear of public humiliation and destruction of property forced them to comply with the Sons of Liberty. Gadsden's involvement and support of this group illustrate his continued reliance on more active forms of protest, including the use of violence and intimidation if necessary.

Gadsden's argument that the Stamp Act should be immediately repealed gained credibility as colonists became aware of the legislation's negative effects in other colonies. The Stamp Act did not only affect the American colonies. Indeed, the Act also applied to British possessions in the Caribbean, and especially Jamaica and Barbados, where colonists fully complied with the Act. Tax rates were higher in these islands, even though the money raised was to be used for the defense of the mainland colonies rather than the West Indies.<sup>76</sup> The relationship between South Carolina and British colonies in the West Indies was complex; although the colonies competed with each other economically, they also relied upon each other for trading goods and information. As such, South Carolina colonists carefully watched how West Indian colonists responded to the Stamp Act. In 1766, the *South Carolina Gazette* published "A Letter from the Committee of Correspondence in Barbados to their Agent in London," which clearly

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<sup>75</sup> Davidson, "Sons of Liberty and Stamp Men," 54.

<sup>76</sup> Mulcahy, *Hubs of Empire*, 206.

illustrated the Act's negative effects. The letter claimed that Barbadians had "submitted with all obedience to the act of parliament" out of loyalty to the King, but that their submission did not arise from their "ability to bear the burden of these taxes." Subjects in Barbados felt that two of the most important elements of their colony were being threatened – trade and justice. As colonists were "crouching under the load of these new duties," they also observed "the most valuable of all our civil rights and liberties sinking along with them."<sup>77</sup> This information from a colony experiencing severe hardship for complying with the Act seemed to justify the actions of the Gadsden and the Sons of Liberty.

Although the Stamp Act accelerated protest movements in South Carolina and throughout the American colonies, it also led to inter-colonial dependence and organization. In October 1765, representatives from nine colonies met in New York in what became known as the Stamp Act Congress. This was the first gathering of elected representatives from multiple colonies in a united defense against new British taxation policies.<sup>78</sup> The Congress was formed in response to a circular letter from Massachusetts, which called for an inter-colonial congress to discuss the Stamp Act. The Assembly of South Carolina was one of the first to respond favorably to this request. They sent three representatives, each of whom had previously taken strong stands for the rights of

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<sup>77</sup> SCG, A Letter from the Committee of Correspondence in Barbados to their Agent in London, Aug. 7, 1766.

<sup>78</sup> An interesting note about the Congress of 1765 is that South Carolina was the only southern state to send delegates. The other states present were Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland. Continental Congress. *Continental Congress of 1765, Circular to the Colonies*, see full text through *Niles National Register (1837-1849)*; Aug. 16, 1845; 18,24; American Periodicals, 375; Document was reprinted for "the sake of making the present as well as future generations better acquainted with the men and the principles of that eventful period."

colonists against British interference. One of these representatives was Christopher Gadsden.<sup>79</sup>

The purpose of the Stamp Act Congress was “to consult together on the present circumstances of the colonies” and the difficulties the colonies would face “by the operation of the late acts of parliament.”<sup>80</sup> Their first order of business was to seek redress from the Crown. Indeed, they believed that “a most loyal and dutiful address to his majesty and the parliament” would result in “the removal of the grievances” currently being imposed and would prevent others in the future.<sup>81</sup> Although many colonists like Gadsden supported protest measures that some regarded as extralegal, they had not yet abandoned hope in more traditional forms of protest, including petitioning the King. However, they supplemented this address to the Crown with a Declaration of Rights, a more forceful condemnation of Parliament’s actions. Gadsden was a signatory to the Declaration, which began by proclaiming that “his majesty’s subjects in these colonies owe the same allegiance to the crown of Great Britain” as the subjects born in Great Britain, and that colonial subjects were “entitled to all inherent rights and privileges” as natural born subjects.<sup>82</sup> It is clear from these points that the colonists are not yet thinking about independence – rather reconciliation. It is also clear that the language of rights that Gadsden had used in previous controversies was again being used. Although Gadsden’s defense of rights began much earlier, he was representative of a wider view among

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<sup>79</sup> The other delegates were Thomas Lynch and John Rutledge. Crouse, “Cautious Rebellion,” 59.

<sup>80</sup> Continental Congress, *Continental Congress of 1765*.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

colonists that all British subjects, regardless of location, were indeed all born with the same inherent rights and privileges.

The Declaration continued that it was “essential to the freedom of a people, and the undoubted rights of Englishmen, that no taxes should be imposed on them” without the consent of their own representatives. Because the people of the colonies “are not, and from their local circumstances, cannot be, represented” in the British Parliament, the “only representatives of the people” of the colonies “are persons chosen therein, by themselves.” As a result, no taxes could be imposed on them without consent of “their respective legislatures.”<sup>83</sup> These ideas echoed Gadsden’s concerns about representation in the context of the Cherokee War and the election controversy. Like Gadsden, many American colonists believed without free elections for free colonial assemblies, the people themselves were not free. It is also evident that the colonists believed that their colonial assemblies were the only legislative bodies that had the right to impose taxes, as had been customary since the Assembly gained prominence under Governor Glen.

The combination of extralegal activities from groups like the Sons of Liberty and the legal protests of the Stamp Act Congress were ultimately successful in forcing Parliament to repeal the Stamp Act in 1766. This gave colonists confidence in the power of protest. It also provided them with more experience in opposition politics and resistance techniques. This experience would prove useful two years later when Gadsden

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<sup>83</sup> Ibid.

again took a leading role in organizing protests to a series of Parliamentary Acts now known collectively as the Townshend Acts.<sup>84</sup>

### **THE TOWNSHEND ACTS**

The repeal of the Stamp Act did not end Parliament's attempt to extract revenue from the American colonies. In a series of acts known as the Townshend Acts, Parliament again placed a tax on colonists that was meant to support their defense. The first of these Acts, The New York Suspending Act of July 1767, was designed to punish colonists in New York who refused to comply with the 1765 Quartering Act, "in direct disobedience of the authority of the British legislature." The Quartering Act forced colonists to pay the expenses of British troops stationed in their respective colonies, which for most colonists, seemed to be an overextension of British royal authority.<sup>85</sup> The second Act, the Townshend Act (passed November 20, 1767) granted "certain duties in the British colonies and plantations in America" on lead, glass, paper, and tea, among other items, in order to cover the costs of "the administration of justice, and the support of civil government" in the colonies and "towards further defraying the expenses of defending, protecting, and securing, the said dominions."<sup>86</sup> The third act established strict procedures for customs collection in the colonies in order to force compliance for trade regulation, including additional officers, searchers, spies, coast guard vessels, search

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<sup>84</sup> In Gadsden's letters, in relation to any acts passed between 1765-1767, he simply refers to them as "the acts." Based on his description and opposition to the Acts, I have tried to include relevant information about Acts passed by Parliament during this time period that I believe he is referring to.

<sup>85</sup> New York Suspending Act, 1767, 7 Geo. III c. 59

<sup>86</sup> The Townshend Act, Nov. 20, 1767, 7 Geo. III c. 46.

warrants, writs of assistance, and a Board of Customs Commissioners in Boston—all to be funded with colonial custom taxes.<sup>87</sup>

Colonists believed that the Townshend Acts, like the Stamp Act, were an immediate threat to the tradition of colonial self-government, and especially to the principle of taxation through direct representation. Again, colonists resisted the Townshend Acts, not only with verbal or written protest, but through violent action. Colonists deliberately evaded duties, entered into nonimportation agreements, and engaged in overt acts of hostility toward British enforcement agents, especially in Boston.<sup>88</sup> Although resistance to the acts came late in South Carolina, in March 1769, Christopher Gadsden again spearheaded Charleston's resistance movement.<sup>89</sup>

As in other colonies, South Carolina's protest against the Townshend Acts was multi-faceted. However, perhaps the most important aspect of the protest was an economic boycott. In June 1769, planters and mechanics in Charleston agreed to Articles of Association, which outlined the terms of a nonimportation agreement. The Articles stipulated that all South Carolinians should give "preference to, and by all means in our power encourage, the use of North American Manufactures" instead of those produced in Britain. It further urged "that in the use of tea, paper, glass, and painters colors," the colonists should be "particularly sparing, 'til the duties on these articles are taken off."<sup>90</sup> In effect, the Articles urged colonists to use American goods and forego British supplies

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<sup>87</sup> Encyclopaedia Britannica, s.v. "Townshend Acts."

<sup>88</sup> Encyclopaedia Britannica, s.v. "Townshend Acts."

<sup>89</sup> To the Planters, Mechanics, and Freeholders of the Province of South Carolina, No Ways Concerned in the Importation of British Manufactures, Jun. 22, 1769, *WCG*, 77.

<sup>90</sup> *Ibid*, 86-8.

in an attempt to economically damage the merchants and manufactures of Britain. It was widely believed that this would force these groups to urge Parliament to repeal the Acts.

Gadsden was pivotal in urging recalcitrant colonists to adhere to the Articles. One particular group of Scottish factors in South Carolina refused to comply, and Gadsden again turned to the public press to rebuke them. On June 22, 1769, Gadsden published an essay “To the Planters, Mechanics, and Freeholders of the Province of South Carolina, No Ways Concerned in the Importation of British Manufactures.” In the essay, he first painted a bleak picture of the colony’s current situation. He begged for their permission to express his sentiments “at this most alarming crisis,” when “nothing but God’s blessing” on their own immediate action could save the colony from “irrecoverable ruin and distress.”<sup>91</sup> Gadsden argued that the colonists had been forced into a “deplorable” situation by the “oppressive and unconstitutional measures again revived, since the repeal of the Stamp Act.”<sup>92</sup> Based upon his experience with the repeal of the Stamp Act, Gadsden again stressed the importance of intercolonial unity. He pleaded that colonists in South Carolina could not hesitate to “unite with our brother sufferers in the other colonies,” especially in the North, as it was the “only probable means of averting so horrid a train of perils” that the Townshend acts represented.<sup>93</sup> Gadsden understood that in order to have the Acts repealed, the colonies would have to unite in the boycott of British goods – otherwise the action would be ineffective.

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<sup>91</sup> Ibid, 77.

<sup>92</sup> Ibid, 78.

<sup>93</sup> Ibid, 78.

In response to the Townshend Acts, Gadsden was no longer willing to wait for proper legal redress. He claimed that “to suffer ourselves to listen to, or be amused with,” any more rumors that “these acts will be repealed, upon a constitutional footing, if we are quiet and easy, can only serve to demonstrate, that our understandings are already sunk a degree lower” than the situation that the Acts had already placed them in.<sup>94</sup> Here, as in his response to the election controversy, Gadsden underlined the importance of extralegal protest and the possibility of violence as a necessary tool to protect colonial rights. For Gadsden, Parliament’s decision to pass yet another Act that he saw as unconstitutional made him lose faith in the relationship between British Parliament and colonial Assemblies, and by extension, the Empire and the colonies.

Gadsden strongly believed that the boycott of British goods, much like the actions of the Sons of Liberty during the Stamp Act crisis, were constitutional, although some might perceive them to be extralegal forms of protests. Those in opposition to the boycott included men like William Henry Drayton and William Wragg, who claimed that the boycott and the Articles of Association were unconstitutional and unlikely to provoke the response colonists wished for. Wragg suggested that reducing interest on loans would serve the people better than the boycott of British goods. Gadsden retorted that the boycott was “strictly justifiable” based upon natural and customary rights, which guaranteed that colonial assemblies were the only bodies able to tax their respective colonists.<sup>95</sup> For Gadsden, because Parliament had acted in an unconstitutional manner, it

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<sup>94</sup> Ibid.

<sup>95</sup> Letters of a Freeman, Summary, 1769, *WCG*, 89-90.

had forfeited its right to control the colonists' actions. As a result, any form of protest could now be considered valid.

Apart from vehemently supporting the boycott of British goods, in another published address, Gadsden made the stakes of political action appear even higher. In response to the Townshend Acts, Gadsden wrote that colonists were now fighting “for the recovery and preservation of the common constitutional liberties of all the subjects of Great Britain,” not just those of American colonists. For Gadsden, the erosion of rights in one place led inexorably to the loss of rights elsewhere. The consequences of allowing the infringement of rights to go unchecked, then, were dire. Indeed, colonists would become little better than the slaves who toiled on plantations. Deprived of their rights, colonists were “as real slaves as those we are permitted to command, and differ only in degree.” In fact, “the deepest scheme of systemically slavery” was being prepared for them, and the Townshend acts were only “mere preludes” for what was to come.<sup>96</sup>

In a black majority colony, this was a particularly strong metaphor.<sup>97</sup> Today, Gadsden's defense of his own liberties given the fact that he owned slaves seems hypocritical. However, in his immediate social and economic context, it would have resonated with other slave owning colonists. As South Carolina developed, colonists relied upon enslaved African laborers to cultivate the agricultural commodities upon which they relied. In order to justify this enslavement, colonists developed a legal and social system that was based upon the notion that blacks did not actually belong to the

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<sup>96</sup> To the Planters, *WCG*, 77-8, 85.

<sup>97</sup> Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina, From 1670 through the Stono Rebellion* (New York: Alfred A. Knopf, 1874), 143.

human community – that they were property and as such lacked any human or legal rights.<sup>98</sup>

In South Carolina, where slavery was entrenched and social inequality was pronounced, the meaning of the word liberty also evolved. For slave owners such as Gadsden, liberty meant freedom from tyranny, but it was also used as a dichotomous metaphor – freedom or slavery.<sup>99</sup> For South Carolinians, an understanding developed that liberty was to have “an undoubted right to think and act” for oneself.<sup>100</sup> It is difficult to understand how colonists like Gadsden could have rationalized their understanding of liberty with their decision to own slaves. However, as hard as it may be for modern readers, the fact remains that they did not view their slaves as human beings with rights. In light of South Carolina colonists’ intimate relationship with slavery, it makes sense that they would be particularly sensitive to any Act that seemed to challenge to their own liberty as free men.<sup>101</sup> Colonists outside of plantation colonies were aware of this, and strategically used slavery as a metaphor in order to prompt a response from South Carolinians.

This was true in 1774, when *The South Carolina Gazette* published a portion of the *Letters from a Farmer in Philadelphia*, written by wealthy Pennsylvanian lawyer, John Dickinson. Dickinson asserted that Parliament had no right to impose internal or

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<sup>98</sup> Francis Adams and Barry Sanders, *Alienable Rights: The Exclusion of African Americans in a White Man’s Land, 1619-2000* (New York: Perennial, 2003), 10-13.

<sup>99</sup> Jack Greene, ““Slavery or Independence:” Some Reflections on the Relationship among Liberty, Black Bondage, and Equality in Revolutionary South Carolina,” *The South Carolina Historical Magazine* 80, no. 3 (1979): 193-5.

<sup>100</sup> Quote from Hugh Alison in Greene, “Slavery or Independence,” 195.

<sup>101</sup> Greene, “Slavery or Independence,” 203.

external taxes with the sole purpose of raising revenue.<sup>102</sup> Although the letters were directed to all colonists, he also specifically addressed “the inhabitants of the province of South Carolina.” He began by provocatively claiming that “our vigilance and our union are success. Our negligence and our division are distress and death. They are worse—they are SHAME and SLAVERY.”<sup>103</sup> This metaphor stressed the seemingly hopeless conditions that colonists faced. By using slavery as a metaphor in this way, Dickinson evoked sympathy for the northern colonies and anger toward Parliament from South Carolinians.

### **THE COERCIVE ACTS**

Parliament passed a series of four Acts between May and June 1774, known as the Coercive Acts, that were aimed at Massachusetts in particular. The Boston Port Act was an “act to discontinue...the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town, and within the harbour, of Boston.” This Act effectively attempted to stop all trade in the colony.<sup>104</sup> The Massachusetts Government Act reduced colonial representation to a royal appointed body and showcased the Crown’s willingness to revoke or remove colonial charter rights as the King and Parliament saw fit.<sup>105</sup> The Administration of Justice Act officially was “an act for the impartial administration of justice in the cases of persons questioned for any acts done by

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<sup>102</sup> Gordon Wood, *The American Revolution: A History* (New York: A Modern Library Chronicles Book, 2003), 32.

<sup>103</sup> To the Inhabitants of the Province of South Carolina About to Assemble on the 6<sup>th</sup> of July, *SCG*, July 4, 1774.

<sup>104</sup> Boston Port Act, March 31, 1774, 14 Geo. III. c. 19.

<sup>105</sup> The Massachusetts Government Act, May 20, 1774, 14 Geo. III. c. 45.

them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts' Bay.” However, in practice, the most important clause of the Act made British officials immune to criminal prosecution in Massachusetts by allowing royal officials to be tried in Great Britain.<sup>106</sup> Lastly, the revised Quartering Act required colonists to house and quarter British troops on demand, even in their private homes if necessary. This Act directly affected one of the rights that all British subjects believed they were entitled to – preservation of their personal property.<sup>107</sup>

Collectively, the goal of the Coercive Acts was to restore order in Massachusetts and punish the colony for the Boston Tea Party, in which members of the Sons of Liberty dumped 342 crates of tea -- nearly \$1 million in today's money -- into the harbor to protest the Tea Act of 1773.<sup>108</sup> British authorities wanted to restore order in the disobedient colony, which they perceived to be the prime mover in colonial protests. However, the reaction to these Acts was not as they had expected. Instead of punishing Massachusetts and making other colonies afraid to protest British authority, the Coercive Acts fostered a sense of colonial unity in response to what appeared to be unconstitutional British interference.

Referring to the Tea Act of 1773, John Dickinson claimed that “the duty on tea is founded on the same principles with the Stamp-Act, and ought to be opposed with equal Firmness.” Referring to the Coercive Acts which targeted Massachusetts, Dickinson also argued that “the attack [is] made only on one Province” in order to “Divide and Destroy”

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<sup>106</sup> The Administration of Justice Act, May 20, 1774, 14 Geo. III. c. 39.

<sup>107</sup> The Quartering Act, June 2, 1774, 14 Geo. III. c. 41.

<sup>108</sup> For costs of Boston Tea Party in today's currency, see <https://www.history.com/this-day-in-history/british-parliament-adopts-the-coercive-acts>.

any semblance of intercolonial unity. Moreover, he argued that the Acts went beyond fair punishment for the Boston Tea Party and were instead intended “to intimidate every American who would dare to dispute the Omnipotence of Parliament.”<sup>109</sup> The language Dickinson used in this essay is important. The concept of liberty was vital to all colonists, regardless of location. By suggesting that opposition to this Act was the only way to avoid tyrannical control, Dickinson hoped to encourage protest among other colonies who may not directly be affected by the Coercive Acts.

The essay concluded with recommendations for the people of South Carolina. First he suggested that South Carolina participate in “the choosing of Deputies for a General Congress” to decide how to proceed in resistance to British interference in colonial affairs. Second, Dickinson requested that South Carolinians enter “into solemn Agreement not to import Goods” from England. Third, Dickinson argued it was necessary to create “committees to procure subscription to this agreement” and to enforce its observation. Lastly, he requested that “money for the suffering Poor” be collected and sent to Boston.<sup>110</sup> True to his reputation as a defender of colonial rights, Gadsden responded to the call.

In a letter to Samuel Adams, Gadsden reiterated his commitment to the colonial cause. He supported the creation of a non-importation committee, and he assured Adams that South Carolinians were “extremely sensible of the critical and distressing situation to which the Liberties of Americans are reduced by the late and oppressive and unconstitutional act of Parliament,” and that they “most sincerely feel for and sympathize

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<sup>109</sup> To the Inhabitants, July 4, 1774 *SCG*.

<sup>110</sup> *Ibid*.

with the inhabitants” of Boston.<sup>111</sup> In response to Boston’s request for financial assistance, Gadsden informed the Boston Committee of Correspondence that South Carolina was shipping barrels of rice “for the benefit of such poor persons in Boston” whose livelihoods have been negatively affected by the recent Acts and who were “in need of immediate assistance.”<sup>112</sup>

Gadsden was influential in securing South Carolina’s support for Boston. However, his influence was strengthened by his election as the colony’s representative to the First Continental Congress. The Congress met from September 5 to October 26 and concluded with the publication of the votes and proceedings of the meetings, known as the *Association*. This document detailed the plans for non-importation, non-exportation, and non-consumption agreements in response to the recent Acts of Parliament. When the South Carolina Provincial Congress, of which Gadsden was a delegate, met for the first time in January 1755, that body officially approved of the articles created by the Continental Congress. Because Gadsden was a delegate to the Continental Congress, a signer of the *Association*, and a defender of the agreements in South Carolina, some of the points made in that document deserve further discussion.

The *Association* began by explaining that “the present unhappy situation of” colonial affairs was “occasioned by a ruinous system of colony-administration adopted by the British Ministry” with the goal of “enslaving” the colonies. In order to “obtain redress of these grievances, which threaten destruction to the lives, liberty, and property” of the colonists, the delegates decided that “a non-importation, non-consumption, and

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<sup>111</sup> To Samuel Adams, June 14, 1774, *WCG*, 97.

<sup>112</sup> To the Boston Committee of Correspondence, June 28, 1774, *WCG*, 100.

non-exportation agreement” would prove “the most speedy, effectual, and peaceable measure.”<sup>113</sup> The goal of the Congress was to force Parliament to repeal the Coercive and Tea Acts. However, as relations between the Crown and the colonies worsened, the Articles listed in the Association remained active policy in the colonies much longer than originally expected.

The first order of business discussed by Congress was a non-importation agreement. Congress hoped to establish that no British goods could be purchased after the first of November. Gadsden was wary of this plan, however, because he was concerned that colonists could be deceived if they set a date for the goods to be shipped instead of received.<sup>114</sup> As a result, the final nonimportation article claimed that from “the first day of December next, we will not import into British America...any goods, wares, or merchandize whatsoever.”<sup>115</sup> The specific wording of the clause left it open to colonial assemblies to determine the last day to order goods, as long as nothing was unloaded in the colonies after the first of December.

The second pressing concern for Congress was to decide when exports to Great Britain should cease. There was considerable discussion in Congress whether to limit the non-exportation agreement to England or to include Ireland and the West Indies as well. The delegates ultimately determined that including all of the British Empire would intensify the economic effects, and therefore would force Parliament to repeal the Acts

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<sup>113</sup> United States Continental Congress, Peyton Randolph, and Continental Congress Broadside Collection, *The following extracts from the votes and proceedings of the American Continental Congress, we are induced to publish thus early purely to ease the impatience of our readers* (Boston: Printed by T. & J. Fleet, 1774).

<sup>114</sup> WJA, Notes of Debates in the Continental Congress, Sept. 26-27, 1774.

<sup>115</sup> United States Continental Congress, *The following extracts from the votes and proceedings*, 1774.

sooner. The final version of this article declared that “the earnest desire we have, not to injure our fellow-subjects in Great-Britain, Ireland, or the West Indies, induces us to suspend a non-exportation until the tenth day of September 1775.” However, the delegates also threatened that if the Acts were not repealed by that date, “we will not, directly or indirectly, export any merchandize or commodity whatsoever, to Great Britain, Ireland, or the West Indies”<sup>116</sup>

In Congress, Gadsden was a strong supporter of the non-exportation agreement. Due to the perceived tyrannical elements of the Acts, Gadsden believed that “by saving our own liberties, we shall save those of the West Indies.”<sup>117</sup> In many ways, this ideology is representative of Gadsden’s radicalism. As in his earlier defense of the Assembly during the election controversy, Gadsden believed that individual or short term suffering was necessary for long term freedom and the preservation of liberties. Gadsden did not believe that the suffering of individuals, or the suffering of the individual colonies outside of the Americas warranted much thought – it was all necessary to secure his end goal of freedom of perceived British tyranny.

He also reasoned that “Boston and New England” could not “hold out” much longer in the face of the restrictive measures. Indeed, if nothing were done soon “the country” would be “deluged in blood.” Although Gadsden insisted that he was eager to avoid war and bloodshed, he nonetheless supported decisive action in the face of British interference. He believed the non-exportation agreement was essential, and told his fellow delegates, “don’t let America look at this mountain and let it bring forth a

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<sup>116</sup> Ibid.

<sup>117</sup> WJA, Notes of Debates in the Continental Congress, Sept. 26-27, 1774.

mouse.”<sup>118</sup> In other words, the only way that colonists could secure their liberty and prevent additional restrictions on their rights would be to boldly counter British action.

In order to ensure compliance with the non-importation and non-exportation agreements, delegates to the Congress suggested that each “county, city, and town” should appoint a committee to enforce the agreements. If anyone were found violating the terms, Congress suggested that the names of the offenders should be published in local newspapers, “to the end that all such foes to the rights of British America may be publicly known, and universally condemned as the enemies of American Liberty.” Furthermore, Congress mandated that if anyone violated the terms of the agreements, they should be excluded from local commercial “dealings.”<sup>119</sup> The strict terms of compliance that Congress required and the stipulation that violators should be harshly punished found favor with Gadsden, who was a member of his local enforcement committee.<sup>120</sup> As was true in the wake of the Stamp Act, the ruthless enforcement of these agreements may have swayed colonists to support the Association even if they did not agree with it on an ideological level.

The last crucial article of the Association dealt with colonies who chose not to send delegates to the Continental Congress, and those who later refused to adhere to the Association at all. The delegates agreed that they would have “no trade, commerce, dealings or intercourse whatsoever” with any colony which would not accept the Association, or with individual colonists who violated the Association after its

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<sup>118</sup> WJA, “Notes of Debates in the Continental Congress, Sept. 26-27, 1774.

<sup>119</sup> United States Continental Congress, *The following extracts from the votes and proceedings*, 1774.

<sup>120</sup> For a list of committee members, see to Samuel Adams, June 14, 1774, WCG, 98.

publication. Congress declared that its members would “hold them as unworthy of the rights of freedom and as inimical to the liberties of their country.”<sup>121</sup> This included Georgia, which did not send delegates to the Continental Congress and never accepted the Association.<sup>122</sup> Gadsden as well as other colonists scrupulously cut ties with the colony as a result of noncompliance with the Association. For example, Philadelphia printers Thomas and William Bradford regularly shipped materials to Gadsden for him to distribute throughout South Carolina and Georgia. However, in a 1775 letter, Gadsden explained that he could not ship or distribute any of their works in Georgia. Indeed, he was determined to have “nothing farther to do with them” because they refused to agree “to the American Association.”<sup>123</sup> As a merchant, it is very possible that this Article of the Association, as well as many others, could have negatively affected Gadsden’s business opportunities. However, his commitment to securing colonial liberties outweighed the possibilities of his own personal downfall.

Gadsden’s role in the First Continental Congress did nothing to subdue the radicalism he was becoming known for. Although he was participating in a legal body that did not yet urge violence or independence, his understanding that liberties should be preserved at all costs only grew stronger. His offhand remarks about the fate of the West Indies, and his refusal to work with anyone from Georgia, illustrate that he believed the fate of the American colonies as a whole outweighed any negative effects on individuals

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<sup>121</sup> United States Continental Congress, *The following extracts from the votes and proceedings*, 1774.

<sup>122</sup> Georgia also complied with the Stamp Act – the only mainland colony to do so. Mulcahy, *Hubs of Empire*, 206.

<sup>123</sup> To Thomas and William Bradford, Mar. 28, 1775, *WCG*, 101-2.

or specific colonies. This insistence that liberty should be protected, regardless of the costs, only grew stronger as the 70s continued.

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Taken together, the election controversy, the Stamp Act, the Townshend Acts, and the Coercive Acts shaped Christopher Gadsden's understanding of the British government's proper role in colonial affairs, and sharpened his views about the effectiveness of protest. Through these events, Gadsden and other members of the South Carolina Assembly, came to believe that the British had no legal authority to intervene in colonial affairs. They came to see that the public press was an indispensable tool for swaying public opinion and ensuring that their own beliefs became widespread. They also learned that refusing to act – whether it took the form of halting Assembly business or boycotting British goods – was an effective method of protest.

Although colonists increasingly seemed to adhere to Gadsden's more controversial views on protest, in some ways these crises also forced Gadsden to temper his opinions. In particular, Gadsden's outlook on violence changed during the Continental Congress. Perhaps the importance of inter-colonial unity in the face of British interference or the thought of a civil war with England caused him to moderate his earlier attitudes. Regardless of the cause, Gadsden began to prefer the measures taken by the Continental Congress in an attempt to avoid bloodshed and war. He claimed that although there were "numbers of men who would risk their all," he "shudder[ed] at the thought of the blood" that colonists would spill, and therefore "would be glad to avoid

it.”<sup>124</sup> Unfortunately, the first Continental Congress did not produce the results that delegates had hoped for, and relations between the northeastern colonies and Parliament continued to worsen. The result was that on April 19, 1775, shots were fired at Lexington and Concord. For colonists like Gadsden, fighting for independence began to emerge as the only viable option.

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<sup>124</sup> *WJA*, Notes of Debates in the Continental Congress, Oct. 6, 1774.

## A NEW REPUBLIC

This chapter examines Christopher Gadsden's role in the American Revolution and in the creation of the new state and national government. Gadsden was a member of both American Continental Congresses and both Provincial South Carolina Congresses. He also played a vital role in defending Charleston, and was imprisoned after the town surrendered to the British. Between May 1775, when the Second Continental Congress first convened, and 1787, when Gadsden retired from public affairs, his world was shattered. Deep in debt and tired of war, Gadsden's political views shifted as a result of his experiences during the Revolution and its immediate aftermath. Whereas he once embraced violent protest, he began to denounce violence as an appropriate tool for resistance. Ultimately, he marshaled his talents as a politician to defend republicanism (as he understood it) from the pernicious influence of party politics. He also worked to disprove critics of the new national government, who believed that Americans were only replacing one form of tyranny with another.<sup>125</sup>

In April 1775, escalating tension between American colonists and British administrators finally erupted into violent conflict in Massachusetts. At the beginning of the Revolutionary War, the British sought to isolate Boston -- which they viewed as the center of American lawlessness -- in order to bring the rebellion to a quick halt. General Gage, who commanded British forces in America, set out for Boston with the goal of arresting rebel leaders, breaking up their bases, and reasserting royal authority in the province. On April 18-19, Gage's army attempted to seize rebel arms and ammunition

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<sup>125</sup> For the first use of this phrase, see to the Public, Jul. 17, 1784, *WCG*, 228.

stored at Concord, a town northwest of Boston. Colonial scouts rode ahead of the advancing British army in order to warn patriot leaders in Boston to flee. They instructed the farmers of the countryside, the minutemen, to raise arms. It is unclear who fired first, but the colonial militia and British troops eventually exchanged shots at the battles of Lexington and Concord.<sup>126</sup>

In the wake of skirmishing at Lexington and Concord, the relationship between Britain and the colonies deteriorated quickly. Although colonists made one last attempt to come to a peaceful resolution in December 1775, those who argued in favor of independence rapidly gained political momentum. When the Second Continental Congress began meeting in May 1775, their first order of business was to determine how to arm colonists in the context of an ammunition shortage. The Battles of Lexington, Concord, and Breed's Hill had nearly exhausted ammunition supplies in the northern colonies. As a result, American forces prioritized raids on the British royal magazines.

In South Carolina, these raids were often coordinated by civilian groups, including the South Carolina Secret Committee. Gadsden, who was currently serving the colony in Philadelphia, kept the Committee informed about these ongoing operations, and supported efforts that fostered unity among the colonies. He advised the Secret Committee that because "skirmishes in the neighborhood of Boston have so exhausted their magazines" that "an immediate supply" of ammunition would be "absolutely necessary." As a result, Congress sent vessels to South Carolina in order "to procure ... a quantity of gunpowder for the use of the armies now actually in the field for the service

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<sup>126</sup> Gordon Wood, *The American Revolution: A History* (New York: A Modern Library Chronicles Book, 2003), 53-4.

of America.” These vessels also carried bushels of corn that colonists were instructed to sell for rice, “in which the casks of powder” could “be concealed.” This would provide cover if British ships overtook the vessel and inspected its cargo.<sup>127</sup> Gadsden’s close personal relationship with members of the South Carolina Secret Committee, combined with his consistent emphasis upon colonial unity, meant that Congress’ requests were taken seriously. Rather than viewing this request for ammunition as an attempt to unjustly appropriate goods from South Carolina, colonists saw it as a request for aid from one sister colony to another.

Gadsden’s insistence upon colonial unity continued as the Congress took up the potentially divisive issue of colonial trade. Most colonies maintained customs houses, where British officials collected duties from incoming vessels and administered Great Britain’s unwieldy trading bureaucracy. It became clear that while many of these houses could remain open during the War, others would be closed due to military conflict. This meant that some colonies would have the ability to trade while others would not. In keeping with his earlier positions, Gadsden argued against taking any action that might disadvantage certain colonies but not others. He argued that allowing only some colonies to maintain functioning customs houses would “divide us,” as “one colony will envy another and be jealous.”<sup>128</sup> Only by working together could the colonies properly resist the Crown. Indeed, Gadsden continued to believe that any divisions would inevitably lead to jealousy and destruction. As a result, Gadsden insisted that the best option would be to close all of the custom houses in all thirteen colonies.

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<sup>127</sup> To the South Carolina Secret Committee of Correspondence, Jul. 1, 1775, *WCG*, 104-6.

<sup>128</sup> *WJA*, Notes on Continental Congress, Oct. 5 through Oct. 20, 1775.

Gadsden believed that closing American customs houses to trade would foster colonial unity, but he also believed this action would bestow broader benefits. According to Gadsden, halting trade for a time would also give Americans time to build a navy, which was essential for defeating the British at sea. He feared that if ports remained open, “men will have their ships seized” and the construction of a navy would be impossible.<sup>129</sup> Within a month, Gadsden had convinced the rest of Congress that building a navy should become a national priority. He also served on the Congress’s Marine Committee in order to bring this idea to fruition. Gadsden wrote to Dudley Saltonstall, a captain in the merchant fleet, that Congress had ordered “two ships and two brigantines” to be fitted as soon as possible to cruise against the enemy, and confided that Saltonstall would be the proper person to take the command of one of these ships as Captain.<sup>130</sup> Ultimately, Gadsden was instrumental in the creation of the American marine forces. His push for a navy reveals Gadsden’s emerging political pragmatism. While Gadsden was instrumental in formulating documents that expressed a revolutionary ideology, including petitions to the royal government, he also understood that in order to successfully overthrow the British, the United States would need a strong army and navy.

Gadsden’s last order of business before leaving the Continental Congress to return to South Carolina was signing the Olive Branch Petition. The Olive Branch Petition claimed that colonists remained loyal to the King, and blamed his cruel ministers for the oppressive measures that had led to their resistance.<sup>131</sup> This last ditch effort at

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<sup>129</sup> WJA, Notes on Continental Congress, Oct. 21, 1775.

<sup>130</sup> To Dudley Saltonstall, Nov. 27, 1775, WCG, 106-7.

<sup>131</sup> Wood, *The American Revolution*, 53.

reconciliation, however, failed, as many in Congress expected. Reportedly, the King refused to even read the petition, and on August 23, 1775, he issued a Proclamation for Suppressing Rebellion and Sedition.<sup>132</sup> The Proclamation declared the American colonies to be in a state of “open and avowed rebellion,” and instructed all civil and military officers in the colonies to put down the rebellion by “exert[ing] their utmost endeavors.” The King also accused the colonists of “forgetting the allegiance” they owed to the “power that has protected and sustained” them.<sup>133</sup> For many colonists, including Gadsden, the Olive Branch Petition conclusively removed the possibility of reconciliation.

In January 1776, shortly after the Olive Branch petition failed, Gadsden returned to South Carolina in order to prepare the state for invasion and military conflict. In particular, Gadsden was tasked with reinforcing Fort Johnson, located on the banks of the Ashley River. From 1776 to 1780, defending Charleston from invasion was Gadsden’s priority.<sup>134</sup> Under his oversight, citizens mounted cannons, built bridges, constructed an upper battery for defense. South Carolinians under Gadsden’s charge also trained troops to prepare for any future attack on Charleston.<sup>135</sup>

While preparing Charleston’s defenses, the Second South Carolina Provincial Congress, of which Gadsden was a member, published a temporary Constitution of South Carolina on March 26, 1776. The Constitution began by explaining the history of the

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<sup>132</sup> Philadelphia, November 1, In Congress, Saturday, July 19, 1775, Dec. 11, 1775, *SCG*.

<sup>133</sup> National Archives, “By the King, A Proclamation, For Suppressing Rebellion and Sedition,” Aug. 23, 1775.

<sup>134</sup> To Admiral Esek Hopkins, Jan. 15, 1776, *WCG*, 111.

<sup>135</sup> For an example of his duties, see to Major General Charles Lee, Jun. 12, 1776, *WCG*, 112-3 or to Thomas Mumford, Feb. 19, 1777, *WCG*, 120.

relationship between Britain and the colonies, and explained the need for a new state constitution. Many of these reasons echoed earlier complaints, including the charge that the British had attempted to tax colonists without representation, which would have reduced colonists from the “rank of freemen to a state of the most abject slavery.”<sup>136</sup>

South Carolinians reinforced these general claims with ones that were more specific to their state. For example, the new state Constitution also referred to more recent events, including the actions of William Campbell, the last royal governor of South Carolina. The Provincial Congress claimed that in an attempt to “loosen the bands of government and create anarchy and confusion in the colonies,” the governor had “dissolved the general assembly” in September of 1775, and “no other hath been called since.” South Carolina colonists viewed this as an attempt to “destroy the lives, liberties, and properties of the good people here.” Moreover, after the governor left the colony, “the judges of courts of law...refused to exercise their respective functions.” This vacuum of authority made it necessary for the colonists to develop a new mode of governance “by common consent, and for the good of the people” in order to regulate the internal workings of the colony.<sup>137</sup> In effect, the Provincial Congress was enshrining into law the customary practice of regulating their own affairs. Indeed, the failure of British officials to treat custom as a legally binding source of authority taught colonists the importance of written constitutions. Although many of the members of the Provincial Congress, including Gadsden, had been running the affairs of the colony through the Assembly, the state Constitution explained and sanctioned that authority.

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<sup>136</sup> South Carolina Provincial Congress, “Constitution of South Carolina,” Mar. 26, 1776.

<sup>137</sup> *Ibid.*

When viewed in its entirety, South Carolina's Constitution was a document that was meant to address the political conflicts that had provoked resistance in the colony. Indeed, South Carolina colonists like Gadsden had learned from these conflicts, and they sought to use the power of written law to prevent future problems. In particular, they prioritized ensuring fair and free elections and establishing a system of checks and balances. These were precisely the aspects of colonial governance that had pitted South Carolina colonists against the Crown in the 1760s. For example, the Constitution reinforced the customary practice that "all money-bills for the support of government shall originate in the general assembly." However, the legislative council could suggest how to appropriate colonial funds and could veto any suggested use of funds by the Assembly.<sup>138</sup> Moreover, the Constitution buttressed the legal authority of the Provincial Congress, declaring that it was "a full and free representation of the people of this colony," and therefore that it should be "deemed and called the general assembly of South Carolina." Whereas the structure of colonial governance had once been a creature of custom, South Carolinians also used the Constitution to codify how the government would be structured. Not only did the colonists provide for choosing "a president and commander-in-chief and a vice-president of the colony." It also called for a privy council, detailed the qualifications of all positions, and outlined the number of representatives allowed for each parish.<sup>139</sup> The overriding goal in including these intricate details of governance was to create balance among the branches of government. Mindful of British

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<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

infringements, it also created a legal standard against which political innovations could be measured.

Although it is unclear what role Gadsden played in drafting the 1776 Constitution, he was instrumental in drafting the state's 1778 Constitution.<sup>140</sup> The 1778 Constitution began by explaining that the "constitution or form of government agreed to and resolved upon by the freemen of this country" in March 1776 was "temporary only, and suited to the situation of their public affairs at that period, looking forward to an accommodation with Great Britain, an event then desired." However, because "the United Colonies of America have been since constituted independent States, and the political connection heretofore subsisting between them and Great Britain entirely dissolved" it had become "absolutely necessary to frame a constitution suitable to that great event."<sup>141</sup>

The Constitution emphasized the idea of fair and free elections and a system of checks and balances. It also protected the rights of citizens from arbitrary authority, claiming "that no freeman of this State be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, exiled or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or by the law of the land." Perhaps more importantly, we can see Gadsden's influence in Article Forty-Three, which stipulated that "the liberty of the press be inviolably preserved."<sup>142</sup> As his past had demonstrated, Gadsden believed that the liberties and privileges of subjects, now citizens, should to be protected at all costs. Furthermore, Gadsden's reliance on the

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<sup>140</sup> For reference to this committee, see to William Henry Drayton, Mar. 7, 1778, *WCG*, 122.

<sup>141</sup> General Assembly of South Carolina, "Constitution of South Carolina," Mar. 19, 1778.

<sup>142</sup> *Ibid.*

freedom to publish in the public press was critical in his rise to fame as a South Carolina radical, and continued to be one of his main methods of communication.

In March 1778, Gadsden and several other members of the drafting committee, presented a draft of the new Constitution to the president of South Carolina, John Rutledge. Rutledge, however, considered the document to be too radical. He had supported a more moderate constitution, one that included language suggesting that Americans would consider reconciliation with Great Britain; however, Gadsden and others in the Congress did not. The new Constitution instead referred to the Declaration of Independence, and reinforced the separation from Britain by claiming that there had been a complete break. As a result of his objections, Rutledge ultimately resigned the presidency in protest.<sup>143</sup> Rawlins Lowndes, who replaced Rutledge, was more inclined to support the proposed Constitution, and the document was ultimately ratified on May 23, 1778.

Following the ratification of the new Constitution, Gadsden was elected Vice President of the State, a title that was eventually changed to Lieutenant Governor. As such, he played a vital role in shaping the political life of the colony. Although the new state Constitution left no room for reconciliation with Britain and the Declaration of Independence had already been signed, individuals on both sides of the Atlantic continued to fight for compromise and peace. One of these attempts was the Carlisle Commission, which proposed peace, the repeal of all objectionable legislation passed after 1763, and home rule for America. Gadsden was wary of the proposal and felt that if

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<sup>143</sup> Although Rutledge resigned in protest of the Constitution, he again became governor in 1779, a position he held until 1782; To William Henry Drayton, Mar. 7, 1778, *WCG*, 122.

accepted, it would “be productive of very ill consequences.” In a letter to William Henry Drayton, he claimed that if Great Britain was allowed “to treat with you before they have acknowledged explicitly our independence, will they, think you, do it afterwards?”

Gadsden believed they would not and would “leave that to hang over your heads, till a fairer opportunity for them.”<sup>144</sup> Fortunately for Gadsden, the finalized treaty with France arrived before the Commission could be considered too seriously.

The Treaty with France also influenced Gadsden’s opinion of the Articles of Confederation. The South Carolina Delegation signed the Articles of Confederation in July 1778, but William Henry Drayton had voiced many concerns about the document. Gadsden attempted to ease his concerns and told him “a confederacy ought most certainly to have been signed long since. What must the French think; have they not made an alliance with 13 states?” Gadsden questioned how the French could be expected to uphold the alliance “while no confederation is made between” the states themselves. He mentioned the difficulty for the French ambassadors who had to ensure that “every state must be separately pleased” in order for anything to be done with the war effort.<sup>145</sup> The inability of the American states to function as a unified body pushed Gadsden toward supporting ratification of the Articles.

However, there were other reasons that Gadsden supported the Articles of Confederation. Gadsden believed that when the confederation went into effect “there would be no room for any political powers or parties, allies or not allies, to interfere for their own purposes” instead of in the interest of the United States. He believed that “no

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<sup>144</sup> To William Henry Drayton, Jun. 1, 1778, *WCG*, 126-9.

<sup>145</sup> To William Henry Drayton, Aug. 15, 1778, *WCG*, 146.

thing” would achieve this goal more “speedily or effectually as a ratified confederation.” Gadsden understood that the Articles of Confederation were not perfect. Nonetheless, he believed that there was “abundantly less risk in trusting a future congress some 10 or 20 years hence for correcting what may be amiss, than to let this matter lay any longer open.”<sup>146</sup> In Gadsden’s defense of the Articles, his vision of the future of the United States began to emerge – Gadsden rejected any notion of party politics, within or between, the states. Factions, Gadsden believed, would lead only to destruction.

The ratification of the Articles of Confederation, although a momentous occasion, did not preoccupy Gadsden for long. When Georgia surrendered to the British following the capture of Savannah, Gadsden and other South Carolinians began to see that an invasion of Charleston was inevitable. In a letter to Samuel Adams, April 4, 1779, Gadsden revealed a number of important points concerning his views on American politics and South Carolina in general. Gadsden explained to Adams that he was still the “same foolish politician” that has “no selfish views either of a state or individually to pursue.”<sup>147</sup> Gadsden remained an advocate of unity among the colonies, but he feared that other colonies might abandon South Carolina in her time of need. In fact, South Carolina had not received any support from Congress in order to protect them from a British invasion. Gadsden remarked that “we seem to be entirely deserted, even the continental troops of our neighbors are retained with the grand army.”<sup>148</sup> As Gadsden had been

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<sup>146</sup> Ibid.

<sup>147</sup> To Samuel Adams, Apr. 4, 1779, *WCG*, 161-4.

<sup>148</sup> Ibid.

tasked with the defense of South Carolina since 1776, he was acutely aware that the State could not defend itself alone.

Gadsden believed the reason for this lack of support was simple. He explained that Congress had “divided into cabals and parties,” to such an extent that they were incapable of seeing the bigger picture. Gadsden, however, viewed himself as an “American at large, anxiously wishing for the happiness and a confirmed independency of the whole, not having, indeed scorning a thought in favor of any one state to the prejudice of the rest.”<sup>149</sup> Again, Gadsden stressed the importance of unity among the states and the idea that political factions would bring destruction and defeat.

In order to pressure Congress into sending support, Gadsden reminded that body that South Carolina was the first “to listen to the call of our northern brethren in their distresses” in the early years of conflict. Gadsden claimed that South Carolina, after receiving the circular letter from Massachusetts, “immediately in 1765 flew to the appointed rendezvous and had it not been for her...no Congress would have happened and Boston would, if not been entirely ruined, continued much longer in her distress.”<sup>150</sup> Gadsden stressed the fact that South Carolina had always supported the other colonies – now it was their turn to support South Carolina.

Although there is no doubt that South Carolina was quick to respond to the summons that created the Stamp Act Congress, he does seem to give it outsized importance. Gadsden in fact implied that Congress would not have met and that Boston might have been ruined without the help of South Carolina. In his emphasis upon South

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<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

Carolina's crucial role in the Revolution, Gadsden gestured at an emerging worldview that was common to southerners among the Revolutionary generation. As Laura Edwards has shown, many of these men "saw the Southern states as the most eminent states in the new republic and as such, the best representation" of that new nation.<sup>151</sup> It is not inconceivable that Gadsden would have believed himself, or his state, to be more influential in the Revolution than any other. However, the stress that he put on the idea is beyond what one might expect from someone just trying to remind Congress that South Carolina was helpful in the beginning stages of British interference.

Although Gadsden's ideas may reflect an emerging view of South Carolina's exceptionalism, his actual request did not have the effect that he had hoped. Ultimately, Charleston surrendered to the British on May 8, 1780.<sup>152</sup> After the British captured Charleston, Gadsden and a number of other civilians and soldiers were taken to St. Augustine, Florida as prisoners. After a year of confinement, the Americans were exchanged for British prisoners and sent to Philadelphia, where they reunited with their families, who also had been banished from Charleston.<sup>153</sup> Recovering from his imprisonment, Gadsden remained relatively quiet on the state of public affairs until Charleston was returned to American control in November 1781.<sup>154</sup> Shortly thereafter, Gadsden took up his pen to criticize Governor John Matthews, who was tasked with

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<sup>151</sup> Laura Edwards, "Southern History as U.S. History," *The Journal of Southern History* 75 no. 3 (2009): 533-564.

<sup>152</sup> Proposals for the Surrender of Charles Town, May 8, 1780, *WCG*, 167.

<sup>153</sup> To Major General Benjamin Lincoln, May 12, 1780, *WCG*, 169.

<sup>154</sup> To Major General Nathanael Greene, Nov. 4, 1781, *WCG*, 178.

overseeing the British evacuation of Charleston.<sup>155</sup> Indeed, Gadsden was particularly critical of Matthews' treatment of British merchants, who had flocked to Charleston when it was under British control. Matthews had agreed to allow these merchants to sell their goods without fear of harm and had reassured them that their property would not be confiscated. In a letter to Matthews, Gadsden clearly stated his objection. "I dislike the agreement," he noted, and he felt it necessary to send his "formal disapprobation" of it directly to the governor.<sup>156</sup>

Gadsden claimed that his biggest complaint with the agreement was that the wording of the document made it appear "that the privy counsel seemed to be made parties" to the agreement, even though they were "never consulted upon that ground."<sup>157</sup> Once again, Gadsden expressed his view that citizens could only be bound by government actions when they gave their consent. In fact, he argued that the decision to make this agreement "without such advice and consent" of the council was illegal.<sup>158</sup> As Gadsden understood it, Matthews had overstepped and misused his power. Indeed, he had violated tenets of government that had been enshrined in a legal document in order to prevent this type of infringement on the liberties of citizens.

Gadsden's objections to the agreement, then, were rooted in long-held political beliefs. However, in this case, Gadsden's objections were also personal. In particular, Gadsden believed that the agreement would open South Carolina's courts to British

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<sup>155</sup> Christopher Gadsden was originally elected, but declined on account of health problems and age, see to Major General Francis Marion, Nov. 17, 1782, *WCG*, 193.

<sup>156</sup> To Governor John Matthews, Oct. 16, 1782, *WCG*, 179-80.

<sup>157</sup> To Governor John Matthews, Oct. 16, 1782, *WCG*, 180; To Major General Francis Marion, Oct. 21, 1782, *WCG*, 185.

<sup>158</sup> To Governor John Matthews, Oct. 16, 1782, *WCG*, 180.

merchants, who could then sue citizens for debts. This, in turn, would entail “endless consequences.”<sup>159</sup> Gadsden believed that by allowing British merchants to obtain justice in South Carolina courts, it would lead to endless conflicts. Gadsden was particularly concerned about this because he lost a significant amount of his fortune during the War. As was true for other revolutionaries -- including Henry Laurens -- the Revolutionary War was financially devastating for Gadsden. Indeed, upon returning to Charleston after his imprisonment, he asked the Continental Congress for funds to aid his travels as his finances were “greatly exhausted.”<sup>160</sup> The nature of Gadsden’s debts are unclear, but like other colonists in plantation America, he likely owed significant amounts of money to British merchants. From his remaining letters, it is clear that he feared being called upon to repay those debts.

Gadsden also disagreed with the agreement that Matthews signed on the grounds that “the great and tenderest care seems to be taken of the British Interest...while our rights and what is essential to our honor and interests are totally omitted.” For Gadsden, these rights and interests were complicated. He believed that Americans were entitled to confiscate British property in compensation for their financial losses, arguing that “we have so greatly the advantage of them in point of British property to lay our hands on when we please.”<sup>161</sup> The promise to protect British property, however, dashed these expectations. Indeed, it seemed that Matthews was willing to protect the property of British merchants over that of citizens who fought for their country. Although Gadsden

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<sup>159</sup> Ibid, 179-80.

<sup>160</sup> To Thomas McKean, President of Congress, Aug. 25, 1781, *WCG*, 172.

<sup>161</sup> To Governor John Matthews, Oct. 16, 1782, *WCG*, 181.

vehemently defended his own rights to property, he believed that the British had lost their rights to their property because of their actions.

Gadsden's belief that the British had forfeited their property rights in South Carolina prompted his rejection of the Matthews agreement. It also led to his support for South Carolina's Confiscation Act. This Act authorized the state to seize the real and personal property of known loyalists, who were classified as those who joined the British armed forces and had failed to surrender to the Americans after the issued date of February 20, 1779. It is clear from Gadsden's response to the Matthews agreement that he believed South Carolinians had a right to this property, and that these individuals should be punished as traitors. However, Gadsden also believed that punishment should have limits, and he therefore objected to a clause in the Confiscation Act that mandated the confiscation of twelve percent of the property of those who had accepted British protection during the occupation of Charleston.<sup>162</sup> Gadsden was particularly concerned that the second clause of the Confiscation Act punished many who were not guilty of any crimes. He believed that the clause was "unjust, impolitic, cruel, premature," and burdened "numbers of innocents" for accepting protection "when visibly under the power and restraint of a known, cruel, oppressive and tyrannical enemy." Gadsden believed that many of the citizens who would be punished by this act, "erred merely through weakness and timidity" and not because of "any malevolence against the government."<sup>163</sup> There was a difference between British subjects, such as the merchants, known loyalists who

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<sup>162</sup> To Major General Francis Marion, Nov. 17, 1782, WCG, 194-6.

<sup>163</sup> Ibid, 194-7.

fought against the American armies, and those individuals who were merely frightened and needed to protect themselves and their families in the face of an uncertain future.

From his correspondence, it is clear that Gadsden hoped to prevent the mistreatment of loyalists out of a fundamental sense of fairness, but he also believed that pitting colonists against each other would only lead to conflict. In a letter to Major General Francis Marion, Gadsden claimed that the Confiscation Act “has haunted me, not only ever since” its passage, but “long before its existence, from the first appearance of the favorable turn Providence gave to our affairs,” when he knew that divisions would take place among the populace. Gadsden mentioned that he had met with continual “rebukes from my friends,” and was subjugated to “a few gross affronts for doing everything in my power to restrain and to mitigate their rage and impetuosity” in their treatment of loyalists. Ultimately, Gadsden believed that the Confiscation Act was harmful because it would undermine unity. Indeed, it would unleash “a vindictive spirit” that would “increase and spread the resentment of citizens” against each other which would “corrupt the people...prolong the war, and end, probably, in the destruction of the state.” For Gadsden, the divisions that would be created from the Act were bound to destroy South Carolina, which he already viewed as unstable. He angrily revealed that he was “soon told by the violent confiscation men it [was] very probable that my open declaring for such mild proceeding would very probably get me left of out the house...however, I despised the low attempt and continued to oppose the confiscation.” Gadsden abhorred the idea that the Act had led to blackmail and bribery to silence his opposition. He believed that no good would come from punishing citizens too harshly

and that “he that forgets and forgives most [in] such times as these, in my opinion, is the best citizen.”<sup>164</sup>

At the urging of men like Gadsden, and at the request of the Continental Congress, the legislature eased the punishments against loyalists in 1783. However, this did not have the effect that Gadsden hoped. The combination of the Matthews agreement and the repeal of the Confiscation Act created unrest among the general population in South Carolina. Many were concerned that the benefits of independence would only be enjoyed by the social elites who dominated the local, state, and national government. This ultimately provoked a series of violent riots that began in July 1783 and continued intermittently for more than a year.<sup>165</sup>

The Charleston riots were triggered not only by the repeal of the Confiscation Act and the Matthews agreement, but also by the unstable economic conditions in South Carolina that followed independence. The War had resulted in destruction of property and life and had caused many South Carolinians to go into crippling debt. Furthermore, trade restrictions, which had been passed to harm British merchants, also affected South Carolinians severely. In a series of letters “To the Public,” written in 1784 under the pseudonym “A Steady and Open Republican,” Gadsden addressed these concerns and cautioned against mob violence. Having witnessed first-hand the horrors of armed conflict and violence, Gadsden moderated his views about the effectiveness of violent protest. In particular, he spoke out against Alexander Gillon, who was the president of the radical Marine Anti-Britannic Society, whose members had been partaking in nightly

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<sup>164</sup> Ibid.

<sup>165</sup> To the Public, May 6, 1784, *WCG*, 200.

raids against loyalists. These disturbances became almost uncontrollable when former militia officers led counterattacks. Gadsden believed that Charleston was now under mob rule, and he placed blame almost solely upon Gillon.<sup>166</sup>

To ease concerns of citizens, Gadsden acknowledged that there were problems in South Carolina that could not be fixed overnight. However, he did not believe that punishing loyalists would help solve these issues. Rather, he claimed that “Heaven has blessed us with one of the most valuable states in America for trade [and] our metropolis is as healthy a spot, I believe as almost any in the world.” According to Gadsden, these factors, if citizens acted properly, would result “in three or four years at farthest, all our public creditors might be paid every farthing, and the state in as high, or higher credit than ever.” Gadsden thought putting their rosy economic prospects at risk for a “narrow, pitiful, unmanly gratification of revenge on a few individuals” went against what was best for the state and its citizens.<sup>167</sup> Gadsden was acutely aware of the stress of war debts. However, he now felt that the best course of action would be for all men to fall “cheerfully into the ranks again,” to return to “business with attention and diligence,” and to sacrifice “all his resentments and private feelings to the good of the state.”<sup>168</sup>

For many, including William Hornby, a brewer in Charleston, Gadsden’s repudiation of the riots seemed hypocritical. In the *Gazette of the State of South Carolina*, Hornby asked if “at the time of the Stamp Act,” Gadsden and his colleagues “stickle[d] so for government?” Hornby continued by questioning, “do not the fears and jealousies of

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<sup>166</sup> To the Public, May 6, 1784, *WCG*, 200-3; To the Public, Jul. 17, 1784, *WCG*, 208.

<sup>167</sup> To the Public, May 6, 1784, *WCG*, 202.

<sup>168</sup> To the Public, Jul. 17, 1784, *WCG*, 206.

the good people of this state, at this day, spring from the like sources and when under the former government?”<sup>169</sup> Gadsden responded by claiming that his actions during the Stamp Act Crisis were caused by “necessity alone.” Gadsden argued that he and his associates had tried to repeal the Acts through legal channels, but “when everything dear to us as men, to our families, to our posterity, was looked upon at stake...mobbing and bullying” became necessary. For Gadsden, the circumstances that had mandated mob action “are (or ought to be) over; the glorious ends aimed at are accomplished.”<sup>170</sup>

This was particularly true given the fact that South Carolinians now could redress their problems through legal channels. In the “Steady and Open Republican” essays, Gadsden also argued that the new South Carolina Constitution provided opportunities for individuals to legally petition against Acts they found unconstitutional. He insisted that the availability of legal remedies distinguished their current situation from that experienced by colonists in the 1760s and 1770s. Whereas the colonists were not represented in Parliament, citizens now “have it in their power to turn [elected representatives] out and put in others,” if they feel their interests are not represented. Gadsden questioned how “can there be any occasion for mobs or riots in such a situation?”<sup>171</sup> In fact he was “now ready with the blessing of God to resign my latest breath, and spend the last drop of my blood in defense of the laws and support of the government *agreed upon* in our country.” Gadsden’s emphasis on the fact that citizens consented to the current government, and this was essential to his understanding of

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<sup>169</sup> To the Public, Jul. 17, 1784, WCG, 209-11; *Gazette of the State of South Carolina*, July 17, 1784.

<sup>170</sup> To the Public, Jul. 17, 1784, WCG, 209-10.

<sup>171</sup> *Ibid*, 211.

republicanism. As with the State Constitutions of 1776 and 1778, and perhaps as early as the election controversy, Gadsden believed that there was no better government than one that was subject to public control. Although Gadsden acknowledged that the new state and national governments were not yet perfect, it was “the kind of government I ever wished for this state,” and should be protected at all costs.<sup>172</sup>

For Gadsden, then, the new American mode of government removed any need for violent protest. Nonetheless, he exposed himself to claims of hypocrisy by suggesting that the actions of the Society were ruinous and unlawful. It is clear that these charges have some merit. Gadsden’s views on the legality of violent protest certainly changed. This was in part as a result of his personal experiences in the War. By the end of the Revolution, Gadsden acknowledged a point that many historians today repeat. He claimed that “it is very lamentable that civil wars, the worst of wars, are far from being a new thing in history,” as the destruction and pain that they inflict upon a population are severe.<sup>173</sup> Unlike his earlier experience in the Cherokee War, the Revolution was much longer, much bloodier, and it pitted British subjects against each other. Although Gadsden supported American independence, however, there is no evidence that he suggested annihilating the enemy as he did in his previous years. A possible reason for this could be that he saw fighting between groups of British subjects -- men that were all equal in terms of humanity – as fundamentally different from fighting the Cherokee “savages.”

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<sup>172</sup> To the Public, May 6, 1784, *WCG*, 200-6.

<sup>173</sup> *Ibid*, 202.

A more practical reason for Gadsden's shifting views on violence is that he lost most of his fortune in the war, and he hoped to create conditions that would encourage economic recovery. As Gadsden lamented, "no man in this state" suffered "more in proportion to his fortune" than he.<sup>174</sup> As a result, he was desperate for South Carolina to resume trade, and violence prevented this. "[N]o man that is not willfully blind," he reasoned, must see how the riots "greatly injured the trade and credit of this country, and particularly hurt many of our most deserving citizens."<sup>175</sup> Although it is not clear what factor may have been the leading cause of Gadsden's changing views on the use of violence, it is clear that his understanding of proper protest changed drastically as a result of the War.

Gadsden not only moderated his position on violence; he also increasingly favored a strong central government in response to unstable social and economic conditions in post-War America. After reading John Adams' *Defence of the Constitutions of Government of the United States of America* in 1787, Gadsden advised Adams that "I must own I was once fond of a simple Constitution of government...but have been some time convinced, however pleasing and entertaining it appeared in idea, that it was there only" that mankind needed a strong, structured government.<sup>176</sup> He continued that "in another state I hope we shall be happy under a simple government directed by infinite wisdom and goodness," but this was not a practical possibility "in the present." As a result, Gadsden increasingly supported a strong Constitution. Indeed, he

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<sup>174</sup> To John Adams, Jul. 24, 1787, *WCG*, 244.

<sup>175</sup> To the Public, May 6, 1784, *WCG*, 201.

<sup>176</sup> To John Adams, Jul. 24, 1787, *WCG*, 243-4.

became a champion of the new United States Constitution against the claims of antifederalists.

In a letter to Mrs. Ann Timothy, who had taken control of the *South Carolina Gazette* after the death of her husband, Gadsden defended the Constitution against Luther Martin, a delegate from Maryland. Martin acknowledged the necessity of increased national authority, but thought that the proposed Constitution would take away too much power from the states.

Gadsden disagreed with this position, arguing that Martin's opinions "may suit the short-sighted selfish wishes of an individual of a state," but neglected the needs of the whole of the United States. Gadsden claimed that "should the constitution be rejected, how long can we flatter ourselves to be free from Indian cruelties and depredations." The only thing restraining this impending carnage was "the dread of an efficacious union of the states by the adoption of the federal government."<sup>177</sup> Gadsden's claim here hearkens back to his older call for unity. He claimed that Martin is only concerned about the citizens of Maryland, where Indian attacks were unlikely. Maryland had no need for a strong government to protect it because it was "situated almost in the center of the rest, and much safer by that means."<sup>178</sup> However, the fear of attacks in South Carolina was real, and Martin was selfish for disregarding the needs of a sister state. <sup>179</sup>

After the ratification of the Constitution, Gadsden spent his last years of public life defending the Constitution, supporting the presidency of John Adams, and opposing

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<sup>177</sup> To Mrs. Ann Timothy, May 5, 1788, *WCG*, 248-9.

<sup>178</sup> *Ibid.*, 249.

<sup>179</sup> *Ibid.*

party factions. It is within these letters and essays that we come to understand Gadsden's complex understanding of the role of parties within politics, the United States's relationship with Europe, and his views on federalism. Gadsden rejected party politics, yet became tangentially involved in them; he denounced treaties with Europe, although he supported the Senate's ability to create them; and he believed that there was a clear distinction between state and national governments, although he insisted that states should pursue a trajectory that bettered the whole.

On January 30, 1797, Gadsden published an essay in support of the presidency of John Adams, although Adams had already been elected. Opposed to any form of electioneering, Gadsden waited until after the election to publish his thoughts.<sup>180</sup> This essay helps to explain Gadsden's emerging views on the new American political system. Indeed, the topics he discusses are far-reaching, from the right of Congress to reject foreign treaties, to the manner of the last election for President, to France's attempt to sway the public during that election.<sup>181</sup>

Gadsden first addresses the House's right to examine and reject the Jay treaty. Gadsden himself was against the treaty, and was a member of the committee in Charleston that drafted a remonstrance to Congress against its passage.<sup>182</sup> Gadsden asserts that although he himself was "no favorer of the British treaty while pending," he was made "very happy at the hearing that so many members, who had expressed themselves against it in the house, had sacrificed their private opinions to the peace of the

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<sup>180</sup> A Few Observations on Some Late Public Transactions, Jan. 30, 1797, *WCG*, 262.

<sup>181</sup> *Ibid*, 265.

<sup>182</sup> *Ibid*, 265.

public.” Gadsden believed that regardless of how the House felt about the treaty, members should support it after it was ratified.<sup>183</sup> Failure to do so would violate the principle of the separation of powers, which Gadsden defended. He declared that “nothing appears to me easier” than the fact that each of the branches of government may do their own duties “without clashing or interfering in the least with each other.” Gadsden believed that the House should “let the president and senate make a treaty as directed” and then “let the congress, when a treaty is made, provide for it...this is what I call the spirit of our constitution, and accordingly, even in this business of treaty-making, the senate is a check on the president.”<sup>184</sup> Although personally disliked the Jay Treaty, it did not negatively affect the general wellbeing of the nation. Therefore, the House had no right to refuse to enforce it. Gadsden’s views here are illustrative of his opinion of the Constitution – that it should be followed precisely, as it provides the necessary checks and balances to ensure the safety of the union.

Gadsden’s second main point in this essay was to discourage party politics and electioneering, a popular topic in the fractious political world of the early public. On the whole, Gadsden disapproved of the electioneering that took place in the last presidential election. He claimed that “the manner of carrying on the last election for our chief magistrate [was] very objectionable, and, if continued, [would]... split and shiver us into many different governments; and if we once begin to divide, no one can foresee the end of it.”<sup>185</sup> In many ways, Gadsden’s claims here may seem hypocritical to a modern

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<sup>183</sup> Ibid, 267.

<sup>184</sup> Ibid, 266.

<sup>185</sup> Ibid, 267.

reader. Although he claims that any notion of parties would destroy the nation, he was also a firm federalist, who believed that only a federalist should secure the position of President. He stated that “tis of no consequence to the nation, what citizen, from one end of it to the other, is at our head, so that he is rightly chosen, an honest man, a steady, firm federalist, no party man, of good sound common sense, and otherwise constitutionally qualified.”<sup>186</sup> It is hard to understand Gadsden’s denunciation of party politics, while simultaneously arguing for a federalist cause, but it seems that Gadsden, like men such as George Washington, did not believe that the ‘federalists’ were a party – rather just a blanket term for a group that shared ideological beliefs about the power of the national government and the need for a federal constitution.

Gadsden disapproved of party politics, but he was particularly irked when foreign nationals interfered in American elections. He was particularly critical when France intervened in the presidential election to favor Thomas Jefferson over John Adams. During the campaign, French minister, Pierre Auguste Adet, had actively electioneered on Jefferson’s behalf.<sup>187</sup> Gadsden argued that “with regard to the insulting appeal of the French minister...I shall now content myself with observing, that a stranger phenomenon has hardly been heard of in the political world.” He continued that “no foreign minister whatever...has a right to make appeals to the people at large, but the French minister has done this.”<sup>188</sup> For Gadsden, Adet’s interference in American affairs crossed a line that he could not accept. If electioneering was not bad enough from within the states, the idea of

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<sup>186</sup> Ibid, 272-3.

<sup>187</sup> Ibid, 274.

<sup>188</sup> Ibid, 274-5.

a foreign minister attempting to control elections was unthinkable. Although he acknowledged that Americans were entitled to feel “attachment to the French nation, on account of their aid in our struggle with Great-Britain,” he felt that any interference in American affairs would create the possibility of another war. Even “though all us deprecate being reduced to that unnatural necessity again,” he insisted, “there is not the least doubt that our citizens, from one end of the union to the other, will turn out again.”<sup>189</sup>

Gadsden’s reflections on party politics and the presidential election also help us to understand his views on the relationship between the state and national government. With regard to elections, Gadsden argued that “every state” should “be left entirely to itself. Such a cautious, unmeddling behavior in each state, will naturally promote harmony, and discard every degree of suspicion and jealousy amongst ourselves and separate states.”<sup>190</sup> His reasoning here stemmed from a belief that when states selected representatives without outside interference, they would provide better reputation for the United States as a whole. This is because “members sent from each particular state, when met in congress, belong, certainly, to the whole nation at large, to consult for their general welfare, as one body.” For Gadsden, when members meet at a national level, their concern was for the national government, not for the needs of their home states. He argued that “the more strongly” that Congress “embrace[d] the whole general interest united, the more it will find, in the end, its own real importance promoted and

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<sup>189</sup> Ibid, 275-6.

<sup>190</sup> Ibid, 273.

strengthened on the most solid basis.”<sup>191</sup> This understanding is in keeping with Gadsden’s consistent belief that selfishness – whether manifested in states or individuals – was destructive. For Gadsden, the new American government should promote friendship and union, and he vehemently believed that if people acted in the interest of the whole, individuals in the states would ultimately benefit.

Gadsden believed that “an idea of perfection seems to be implanted in our nature,” but he understood that this was “far beyond what the best man can attain to in practice.”<sup>192</sup> Gadsden accepted that the new America was not perfect, however he also claimed that “no man has more heart felt joy than myself, to find our young nation, but of yesterday, already become the asylum from tyranny.”<sup>193</sup> The period between 1775 and 1797 was truly formative for Gadsden. Examining the changes Gadsden underwent during this period illustrates the importance of studying individuals of the Revolution in depth. Gadsden changed from a radical who supported any means necessary to secure independence to someone who prioritized social harmony in his state and in his nation. Gadsden’s experience with the Continental Congress, the Provincial South Carolina Congress, and the Charleston riots changed his understanding of how to build a new nation from the ruins of war.

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<sup>191</sup> *Ibid*, 277.

<sup>192</sup> *Ibid*, 263.

<sup>193</sup> *Ibid*, 277.

## CONCLUSION

In the 1790s, Gadsden continued to write some public pieces, he continued his support of Adams and wrote a short article in regard to the XYZ affair, but the majority of his opinions in this period are repetitions of his earlier arguments. Gadsden claimed to retire in 1787 in a letter to John Adams, where he maintained that “having been as active as most men in America for near thirty years, I have now taken a passive turn, and indeed it is high time, as I am pretty well advanced in life.” Gadsden continued that he was now “entirely the private gentlemen, endeavoring to repair, the amazing damages done me during the late struggles.”<sup>194</sup> However, his claim to retirement was not fully realized until 1800. After 1800, almost all of Gadsden’s remaining letters deal with his private affairs.

As seen in the previous chapter, Gadsden’s politics continued to move toward a more conservative approach after the Revolution, perhaps a natural effect of his age or as a result of his firsthand experience with the destruction of war. However, there was one very strong, practical reason for this movement toward conservatism. He deplored the debtor economy created by the Revolution, firstly because it had affected his own financial situation, but also because it offended his sense of what was right and proper. As early as 1792, Gadsden was stressed concerning worthless bonds and pressing demands from northern bankers. His financial status was so dire that he was “resolved to sacrifice my plantation and negroes on Black River as soon as this crop is made” in order

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<sup>194</sup> To John Adams, Jul. 24, 1787, WCG, 244-5.

to pay back some of his debts.<sup>195</sup> From Gadsden's will, we know that he was able to retain this property, but none of his remaining letters make it clear as to how.<sup>196</sup>

Although many of his contemporaries began to desert the party, as a result of events such as the Jay Treaty, Gadsden remained an avid Federalist until his death. Even still, he never let his party alignments deter him from his main goal – American unity. He detested the Virginians and Jeffersonians as “Francophile caballers,” and took to the public one last time in 1800 to support Adams in the Presidential Election.<sup>197</sup> However, when Adams lost the election to the Republican “mad-men,” although offended at the outcome, Gadsden maintained that the new president deserved all of “our support.”<sup>198</sup> Gadsden's support of Jefferson, even though he was clearly unhappy about it, illustrates perhaps the most important theme that dominated his life – a desire for unity and order, marked by his steady sense of nationalism. Whether he was fighting for colonial rights, state rights, or national rights, Gadsden always defended his ‘nation’ to the fullest.

For many, Gadsden's public life seems to be inconsistent. He constantly changed his opinion on certain ideas – such as the use of violence. As historians, it is unfair for us to assume that an individual such as Gadsden would have remained the same over the entirety of his life, I doubt we can find such an individual anywhere, regardless of location or time period. Furthermore, although aspects of his ideology changed, he never strayed from his main goal – the creation of a unified state that respected the rights and liberties of all its citizens. Understanding this, and examining his changing views,

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<sup>195</sup> To Major Thomas Pinckney, Apr. 17, 1792, *WCG*, 256.

<sup>196</sup> Will of Christopher Gadsden, Jun. 5, 1804, *WCG*, 311-4.

<sup>197</sup> To John Adams, Mar. 11, 1801, *WCG*, 305.

<sup>198</sup> *Ibid.*

highlights the necessity of studying the lesser known Revolutionaries in-depth. From Gadsden, we learn how the Revolution began and we learn how the new nation came to be, but we also learn that it was a very personal experience that tested the beliefs of every individual differently.

Gadsden died in Charleston on August 28, 1805, following a fall near his home. Funeral services were held in St. Phillip's, with burial close to his parents in the western church yard. At his request, his grave was not marked.<sup>199</sup> Gadsden's death marked the end of his role in, and often control of, South Carolina politics. However, his legacy remains today.

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When I began this project, I thought it would end up in a very different direction. I wanted to focus on the idea of South Carolina exceptionalism and began looking at the letters of Henry Laurens and Christopher Gadsden to see if this ideology was present in the colonial era. However, I quickly discovered that Christopher Gadsden was an individual that deserved individualized attention. In most, if not all, works that discuss him, he is pitted against individuals like Henry Laurens in a story of the radical versus the conservative. This dichotomy, although perhaps useful in showing two sides of the road to Revolution, belies the fact that each individual during this period had a unique experience. Furthermore, the terminology often used in Revolutionary works – radical, conservative, Tory, Whig – hides the fact that many of these individuals, including

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<sup>199</sup> Preface, by Richard Walsh, *WCG*, xxvii, xxviii.

Gadsden, were complex individuals, who changed their opinions over time based on their experiences.

Today, most of us are familiar with the particular symbol of a rattlesnake preparing to strike on a yellow background and featuring the motto “DONT TREAD ON ME,” but I do wonder how many people are familiar with the creation and meaning of the flag. When Gadsden unveiled his flag on February 8, 1776, what did he mean by it?<sup>200</sup> Certainly, it was a clear message that if Gadsden felt his rights were being ‘tread’ on, he would strike. But would he approve of the current messages associated with his symbol? A quick search on the National Rifle Association’s website reveals that you can find the Gadsden flag on almost any product – car details, shirts, hats, and more. The modern Tea Party Movement utilizes his symbol in many of their protests, arguing for among many other things, lower taxes. Of course, it is impossible to say what Gadsden would think about these groups and their appropriation of his ideas, but I do think it is important for members of the American public to understand the historical meaning behind not only his symbol, but many of the symbols that appear in our political culture today.

Studying Gadsden in depth opens the door a further study into how modern political movements have utilized many of the Founders ideas and symbols to fit their own needs. It also sheds light on the experiences and beliefs of some of the lesser known figures of the Revolution, who although not nearly as popular as George Washington or John Adams, played a huge role in the development of America. Hopefully, this in-depth

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<sup>200</sup> To Admiral Esek Hopkins, Jan. 10, 1776, *WCG*, 108.

look at Christopher Gadsden is only the beginning of a new way to study the American Revolution – a microhistory approach to the individuals that made it happen.

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