



LIBERTY AND SLAVERY IN COLONIAL AMERICA: THE CASE OF GEORGIA, 1732–1770

ANDREW C. LANNEN

IN 1775, DURING heated debates between Great Britain and its American colonies over issues of taxation and government, Samuel Johnson famously asked: “How is it that we hear the loudest yelps for liberty among the drivers of negroes?”¹ Johnson exposed a puzzling contradiction at the heart of American society: How could a people so fiercely proclaim a commitment to individual freedom while practicing slavery? However, American colonists in the eighteenth century did not see a contradiction. Rather, colonists saw both slavery and liberty as essential components of their world: White liberty could not be fully realized without the existence of black slavery.

Two centuries after Johnson raised his question, Edmund Morgan published a groundbreaking study investigating the origins of the connection between white freedom and black slavery.² He suggested that seventeenth-century Virginia planters had grown concerned over economic problems caused by a reliance on white indentured servants for labor. Ex-servants had difficulty acquiring good land of their own, and instead found themselves pushed out towards the frontier or down into landless poverty. The resulting underclass of poor white men, argued Morgan, presented a series of challenges to the established order, most notably expressed in Bacon’s Rebellion in 1676. In response, Virginians turned to the use of African slaves. The importation of slaves from Africa over time reduced the number of poor and landless whites. The presence of slaves also altered the social order, drawing a sharp racial divide and uniting different classes of whites through their shared free status. It was the presence of African

Andrew Lannen is Assistant Professor of History at Stephen F. Austin State University in Nacogdoches, Texas.

1. Samuel Johnson, *Taxation No Tyranny*, London: T. Cadell, 1775.
2. Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia*, New York: Norton, 1975.

slaves, concluded Morgan, that shaped white colonial devotion to liberty. Ever since Morgan's work, scholars have continued to explore the interplay between slavery and freedom in early America, though much of the published work has tended to focus on the period of the American Revolution rather than the colonial era.³ As colonial historians have shown, though, the rhetoric of liberty and slavery date back to long before the imperial problems of the 1760s and 1770s. Jill Lepore, for example, has shown how a purported 1741 slave conspiracy in New York and the resulting backlash gave greater legitimacy to white calls for political liberty.⁴ The colony had during the previous decade been locked in a vicious struggle between supporters of the government and an opposition faction which claimed to be defending liberty against a set of tyrannical leaders. At the time, colonial opposition to established authority was deeply controversial, and some had denounced political factionalism as equivalent treason. When white New Yorkers suddenly faced the prospect of violent slave resistance, white political opposition was by comparison deemed legitimate. In a similar vein, Gerald Horne has shown that, from the late seventeenth-century onwards, white colonists viewed any challenge to the institution of slavery as a challenge to white liberty as well.⁵ To Horne, the American Revolution was merely the final step in a long series of colonial efforts to preserve slavery in the name of white liberty.

To further explore the connections between liberty and slavery in the colonial period, this essay uses the experience of colonial Georgia from its inception in 1732 through the 1760s as a case study. In many ways, Georgia offers an ideal opportunity to address these questions as it was the last British colony established

3. As some representative examples, see David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823*, Ithaca: Cornell UP, 1975; Jack P. Greene, "'Slavery or Independence': Some Reflections on the Relationship among Liberty, Black Bondage, and Equality in Revolutionary South Carolina," *South Carolina Historical Magazine* 3, 1979, 193–214; F. Nwabueze Okoye, "Chattel Slavery as the Nightmare of the American Revolutionaries," *William and Mary Quarterly* 1, 1980, 3–28; Kenneth S. Greenberg, *Masters and Statesmen: The Political Culture of American Slavery*, Baltimore, MD: Johns Hopkins UP, 1985; Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, Armonk, NY: Routledge, 1996; Eric Foner, *The Story of American Freedom*, New York: Norton, 1998; Francois Furstenberg, "Beyond Freedom and Slavery: Autonomy, Virtue, and Resistance in Early American Political Discourse," *The Journal of American History* 4, 2003, 1295–1330; Peter A. Dorsey, *Common Bondage: Slavery as Metaphor in Revolutionary America*, Knoxville, TN: U. of Tennessee P., 2009; John Craig Hammond and Matthew Mason, eds, *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, Charlottesville, VA: U. of Virginia P., 2011.
4. Jill Lepore, *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth-Century Manhattan*, New York: Vintage, 2006.
5. Gerald Horne, *The Counter-Revolution of 1776: Slave Resistance and the Origins of the United States*, New York: NYUP, 2014.

in the Americas before the American Revolution. Its organizers therefore had over a century of colonial history from which to draw ideas. From 1732 to 1752, Georgia was governed by a group of trustees headquartered in London, and these men saw a chance “solve” the problems of colonization, in particular preventing the internal divisions and conflicts experienced in other colonies. To accomplish this, the Trustees took two bold and unusual actions: They outlawed slavery and refused to establish a regular government in the province. There would be no assembly and no governor, and only a handful of appointed minor magistrates. The Trust instead intended to run the colony entirely from a distance without allowing any representative government, marking a sharp break from colonial tradition. Though a total of seventy-one men eventually served as Trustees, only one, James Oglethorpe (1696-1785), ever actually set foot in Georgia, and so the colony’s laws were shaped by individuals with no first-hand knowledge of the province. By exercising tight imperial control of both property ownership and government power, the Trustees hoped to build a colony consisting entirely of simple farmers who worked the soil while dutifully obeying their superiors in England. In the words of Robert Scott Davis, Georgia had a powerful and centralized political system “which acted like a head in controlling all operations of the greater body for the improvement and rehabilitation of the whole.”⁶ From the perspective of many of the colonists, however, there was nothing benevolent about a system that deprived them of their liberty.

When eighteenth-century British colonists spoke of “liberty,” they associated this concept with a host of specific religious, political, economic, and legal privileges that allowed individuals to exercise a degree of self-determination. These privileges had been shaped throughout British history and codified in the aftermath of the Glorious Revolution of 1688. A person enjoyed economic liberty if he had the right to buy and sell property for his own purposes. Political liberty meant participation in the process of making laws and government policies. Economics and politics were closely linked, as property ownership was widely viewed in Anglo-American society as a prerequisite for political liberty.⁷ Colonists recognized that liberty had to have some limits to prevent social chaos, but liberty on the whole had to be

6. Robert Scott Davis, “Wheels within Wheels: Slavery and the Framework of the Social History of Eighteenth Century Georgia,” *Journal of Backcountry Studies* 5, 2010, 1–14.

7. For further examination of British ideas of liberty in the early modern period, see H.T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain*, London: Methuen, 1977; J.C.D. Clark, *The Language of Liberty, 1660–1832: Political Discourse and Social Dynamics in the Anglo-American World*, Cambridge: Cambridge UP, 1993.

zealously defended against the threat of tyranny. In the eyes of many Georgians, the colony's slavery ban and lack of representative government represented just such a threat.

Georgia's history of slavery in the colonial period can be divided into two main phases. In the first phase, from 1732 to 1751, slavery was prohibited, and an organized group of colonists mounted a campaign to make slavery legal. At the same time, the struggle over slavery became deeply intertwined with a debate over the establishment of representative government. From 1751 to 1770, white colonists, having achieved their goals in the earlier period, then expanded their own liberty through a series of increasingly repressive laws that gave whites greater control over black slaves. From a modern perspective, Georgia's history would represent a reduction of freedom, since settlers by their actions had actively made their society less rather than more free. However, this is not the meaning that white colonists applied to their own story. For them, black slavery was an essential component to white liberty.

Georgia was the only British American colony to totally outlaw slavery before the American Revolution. To be sure, other colonies had attempted to limit slavery in various ways, and some individual colonists had opposed slavery. For example, Rhode Island in 1652 passed a law limiting all terms of servitude and enslavement to no more than ten years, but it was never seriously enforced.⁸ In 1688, a group of Pennsylvania Quakers issued a proclamation declaring that slavery was inconsistent with Christian principles.⁹ Earlier colonies like Pennsylvania and North Carolina attempted to restrict the importation of new slaves, but none of these other colonial measures represented as systematic and comprehensive an effort to outlaw slavery as did Georgia's.

Historians have spent the last two-and-a-half centuries trying to understand the motivations behind the Trustees' law against slavery. A few early scholars saw the Trustees as the forerunners of later abolitionists like William Wilberforce, Frederick Douglass, Harriet Tubman, or Abraham Lincoln. Oglethorpe contributed to this view late in his life when he unequivocally condemned all

8. Christy Mikel Clark-Pujara, "Slavery, Emancipation, and Black Freedom in Rhode Island, 1652–1842," unpubl. PhD diss., University of Iowa, 2009.

9. Katharine Gerbner, "'We Are Against the Traffik of Men-Body': The Germantown Quaker Protest of 1688 and the Origins of American Abolitionism," *Pennsylvania History: A Journal of Mid-Atlantic Studies* 2, 2007, 149–172.

human bondage.¹⁰ At the time of Georgia's founding, none of the Trustees advocated abolition anywhere outside of the colony's boundaries, while some even tacitly supported the capture and enslavement of Native Americans within Georgia.¹¹ Several members of the Trust openly supported the Atlantic slave trade, including Oglethorpe. In January 1731, he became an assistant in the slave-trading Royal African Company. A year later, he acquired £1,000 of company stock and was named a deputy governor. While by the end of that same year Oglethorpe had sold his stock and resigned his position in order to embark for Georgia, there is little indication that he had suddenly reversed his view of slavery's morality.¹²

The modern consensus view is that the Trust's policies, including the ban on slavery, were intended to protect "white virtue, white manners, and white morals."¹³ The Trustees themselves advanced several different arguments against slavery in Georgia. First, as the colony was intended to provide a refuge where the British poor could establish themselves as yeoman farmers, the widespread use of slave labor would reduce opportunities for poor whites who needed work. Second, settlers who owned slaves would grow lazy by using slaves to do their work for them. Finally, the Trustees stressed the risks of slave rebellions, particularly in the event of an invasion by Spain, France, or their native allies.¹⁴ Many

10. For examples of those seeing Oglethorpe as an ardent abolitionist see Amos Aschbach Ettinger, *James Edward Oglethorpe: Imperial Idealist*, Oxford: Clarendon Press, 1936, 150; and Ruth Scarborough, *The Opposition to Slavery in Georgia prior to 1861* New York: Negro UP, 1933, 62.
11. Indian slavery is covered in Rodney Baine, "Indian Slavery in Colonial Georgia," *Georgia Historical Quarterly* 2, 1995, 418–24. On the overall dimensions of the Indian Slave trade in colonial America, see Allan Galloway, *The Indian Slave Trade: The Rise of the English Empire in the American South*, New Haven, CT: Yale UP, 2002. On the relationship between Native Americans and colonial Georgia more generally, see Julie Anne Sweet, *Negotiating for Georgia: British-Creek Relations in the Trustee Era, 1733–1752*, Athens, GA: U. of Georgia P., 2005; John T. Juricek, *Colonial Georgia and the Creeks: Anglo-Indian Diplomacy on the Southern Frontier, 1733–1763*, Gainesville, FL: U. of Florida P., 2010; and Steven C. Hahn, *The Life and Times of Mary Musgrove*, Gainesville, FL: U. of Florida P., 2012. Various debates over slavery's morality in the South, including Georgia, are summarized in J.E. Chaplin, "Slavery and the Principle of Humanity: A Modern Idea in the Early Lower South," *Journal of Social History* 2, 1990, 299–315.
12. Ettinger, *James Edward Oglethorpe*, 147–8.
13. Betty Wood, "Oglethorpe, Race, and Slavery: A Reassessment," in *Oglethorpe in Perspective: Georgia's Founder after Two Hundred Years*, Phinizy Spalding and Harvey H. Jackson eds, Tuscaloosa, AL: U. of Alabama P., 2009, 66–79: 70.
14. [Anonymous], *An Account Shewing the Progress of the Colony of Georgia in America from its First Establishment* [1741], reprinted in *The Clamorous Malcontents: Criticisms & Defenses of the Colony of Georgia, 1741–1743*, ed. Trevor R. Reese, Savannah, GA: The Beehive Press, 1973, 190–2.

scholars have judged the Trustees guilty of naïve utopianism, of damaging the colony's fortunes through unrealistic expectations and impractical policies.¹⁵ More recently, Noreen McIlvenna has tried to argue that the Trustee's policies were not unrealistic at all, and were in fact succeeding in having Georgia's economy grow. In McIlvenna's view, the colony's social and economic progress was ultimately undone due to a class conflict between the elite and commoners over Georgia's future. On one side was an elite who wanted to amass greater wealth for themselves and who thus fought to introduce slavery, while arrayed against them were the colony's common folk who benefited from the colony's yeoman-based economy and therefore opposed slavery. When the elites won and established slavery, concludes McIlvenna, it was contrary to the wishes and the economic interests of Georgia's white commoners.¹⁶ McIlvenna's interpretation is bold, but it downplays evidence that the proslavery movement drew broad support from across the class spectrum in Georgia. What united these white colonists from different backgrounds was the belief that, regardless of intentions, Trustee policies were undermining liberty.

One of the first pro-slavery letters from Georgia was written by settler Patrick Tailfer, who soon became one of the leading voices of the pro-slavery movement. Tailfer stressed the economic benefits of slavery, but his argument for slavery's profitability often relied on a contrast between free Englishmen and enslaved Africans.¹⁷ If slavery was not allowed, Tailfer contended, colonists would instead have to employ white servants and laborers who would be entitled to generous amounts of food, clothing, and wages. Slaves, on the other hand, had no liberty at all and thus were entitled to nothing but the bare minimum of food and clothing to keep them alive. While Trustees claimed that slavery would introduce disorder into the province, Tailfer argued just the opposite, that slaves could be more thoroughly controlled than white workers.

15. Among those historians who point at the misguided utopianism of the Trustees are Paul S. Taylor, *The Georgia Plan, 1732–1752*, Berkeley, CA: U. of California P., 1972; Phinizy Spalding, *Oglethorpe in America*, Chicago: U. of Chicago P., 1977; Milton Ready, *The Castle-Builders: Georgia's Economy Under the Trustees, 1732–1754*, New York: Arno Press, 1978; Timothy James Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia*, Athens, GA: U. of Georgia P., 2001; Frank Lambert, *James Habersham: Loyalty, Politics, and Commerce in Colonial Georgia*, Athens, GA: U. of Georgia P., 2005; and David Russell, *Oglethorpe and Colonial Georgia: A History, 1733–1783*, Jefferson, NC: McFarland, 2006.
16. Noreen McIlvenna, *The Short Life of Free Georgia: Class and Slavery in the Colonial South*, Chapel Hill, NC: U. of North Carolina P., 2015.
17. Patrick Tailfer and Others to the Trustees, undated, Mills Lane, *General Oglethorpe's Georgia: Colonial Letters*, Savannah, GA: Beehive Press, 1975, vol. 2, 225–7; also in *Colonial Records of Georgia* [from here: CRG], vol. 20, 364–7.

White servants who ran away from their employers could evade capture because the presumption was that a white person had liberty to travel where and when they pleased. Black slaves, on the other hand, had no such liberty of travel and thus “would always be known and taken into custody unless they could produce a certificate from their master.”¹⁸

Early pro-slavery appeals like Tailfer’s were respectful and deferential towards the Trustees. They were written in the belief that the slavery ban was misguided, but not malicious. Colonists were convinced that once the Trustees were properly educated about the relationship between liberty and slavery, then the law would change. Pro-slavery colonists were given some hope in this by the Trust’s own actions. In 1733 and 1734, black slaves rented from neighboring South Carolina had been used to build homes, roads, and bridges in the towns of Savannah and Ebenezer.¹⁹ It seemed, therefore, possible that the Trustees might allow slavery more generally. One confident colonist predicted in 1734 that he fully expected the “liberty to have one or two Negro servants for every fifty acres.”²⁰ However, the Trustees in 1735 reaffirmed the ban on slavery.

While the relationship between Georgians and the Trustees had been troubled from the start, it grew increasingly bitter over time. The Trustees dismissed unhappy settlers as noisy “malcontents,” who complained out of sheer stupidity, or greed. For their part, Georgia settlers often accused Trust officials of acting tyrannically. An early example can be seen in the case of Elizabeth Bland, who changed her mind about settling in Georgia after arriving. Her departure from the colony, though, was delayed since the Trustees believed that she had come over at their expense and therefore could not leave Georgia without their permission. Her reaction was extreme given the circumstances. She encountered what most people would see as an inconvenience rather than a severe hardship. Nevertheless, she angrily accused the Trustees and everyone in charge of the province of destroying her freedom. She wrote to Oglethorpe:

To my great Surprise I have lost my Liberty and must not return home to my Native Land without Leave from the Trustees when Sir

18. Ibid.

19. James Oglethorpe to the Trustees, 9 June 1733, *CRG*, vol. 20, 24; James Oglethorpe to the Trustees, 12 August 1733, *Oglethorpe’s Georgia*, vol. 1, 20; Mr. Martyn to Governor Johnson 18 October 1732, *Egmont Papers University of Georgia Library*, 14207, 4–5 (available at: <http://fax.libs.uga.edu/legmont/14207/>, accessed 11 November 2016).

20. Robert Parker to Mr. Hucks, 24 December 1734, *Oglethorpe’s Georgia*, vol. 1, 77.

You are sensible I had nothing from them either for my Passage or otherwise, neither would I have sold my Freedom for £10,000 Sterg.; And as I have done nothing to forfeit my Liberty hope I am not to lose it. There can be no greater Injury to the Success of the Colony than my Letters would be should I acquaint the World of my Loss of Liberty...²¹

Bland asked for permission to leave Georgia immediately even if it meant her ending up in poverty, as she would prefer to “serve my betters in England rather than be a Slave to such vile wretches as govern here.”²² To Bland, and to others who expressed similar thoughts, slavery and liberty could best be understood in comparison to each other. Slaves had no liberty, so if a colonist was being deprived of a fundamental liberty, then he or she was being treated as a slave.

By 1735, pro-slavery leaders had begun holding regular, open meetings in a Savannah tavern, and the attendees became known as the “St. Andrews Club.” These meetings brought a loose sort of organization to the pro-slavery movement.²³ In the first week of December 1738, the Club began gathering signatures from dissatisfied Savannah residents on a petition for the immediate legalization of slavery. The Trust’s main official in the colony, Secretary William Stephens, reported that nearly everyone in Savannah approved of the petition’s contents.²⁴

One hundred and seventeen Savannah landholders, including three colonial magistrates appointed by the Trust, attached their signatures to it. The petition blamed all the colony’s economic woes on the Trustees’ ill-conceived experimental features, in particular the ban on slavery. The lack of slave labor, it argued, was crippling the colony.²⁵ The 1738 petitioners also adopted a far more confrontational tone. One of the petition’s signers, Hugh Anderson, penned a lengthy letter to Oglethorpe elaborating on the pro-slavery argument. “We can insist on demanding our privileges as British subjects,” declared Anderson. “The Trustees are but a channel to convey us to the King’s rights

21. Elizabeth Bland to James Oglethorpe, 14 June 1735, *Oglethorpe’s Georgia*, vol. 1, 185–6.

22. *Ibid.*

23. CRG, vol. 4, 111.

24. CRG, vol. 4, 242–4, 267.

25. The document is reprinted in Clarence L. Ver Steeg, ed., *A True and Historical Narrative*, Athens, GA: U. of Georgia P., 1960, 88–96.

and cannot in law or equity, and, I dare say, will not abridge those rights.”²⁶ Anderson then issued the Trustees a warning: allow slavery or the petitioners would take their case directly to the British public:

Can we suppose that we are singled out for a state of misery and servitude and that so many honourable personages are instruments of it? Far be the thoughts from us! The genius of the British Nation, so remarkably zealous for liberty and the rights of mankind, will never suffer British subjects . . . to be deprived of public promises or the natural liberties. . .²⁷

The letter closed by sketching out what would happen if the Trustees refused to legalize slavery: Georgia would collapse and fail; a Parliamentary inquiry would follow; the Trustees’ reputations would be ruined; and Great Britain’s enemies would laugh at British foolishness.²⁸

Oglethorpe wrote to the Trustees urging them to reject the pro-slavery petition out of hand, arguing that the colony would be ruined militarily and financially by the presence of slavery. While Oglethorpe did declare that slavery would cause the “misery of thousands in Africa,” most of his thoughts were about the impact of slavery on white morals and behavior. Allowing the importation of Africans would cause white colonists to become greedy and lazy.²⁹ Oglethorpe additionally sought to counter the malcontents by encouraging anti-slavery petitions.

There were in 1739 only four settlements of any size in Georgia. Savannah was the largest, followed by Frederica, Ebenezer, and Darien. Frederica, whose population was artificially inflated by serving as the home base of a British regiment under Oglethorpe’s command, decided for the moment to take no side in the slavery dispute. The smaller settlements of Ebenezer and Darien both submitted anti-slavery statements. Ebenezer had been settled by a group of German Protestant refugees from the city of Salzburg. The settlement operated largely independently from the rest of the colony, and its inhabitants wanted to maintain that autonomy. No appointed officials or courts existed in the town;

26. The Plain-Dealer to James Oglethorpe, 6 January, 1739, *Oglethorpe’s Georgia*, vol. 2, 379–87. The letter is usually attributed to Hugh Anderson, former keeper of the Trust’s garden.

27. *Ibid.*

28. *Ibid.*

29. James Oglethorpe to the Trustees, 16 January 1739, and James Oglethorpe to the Trustees, 17 January 1739, *Oglethorpe’s Georgia*, vol. 2, 387–90.

instead, all legal problems were settled by the town minister and church elders. The 1739 Ebenezer document, signed by fifty-one residents, objected to slavery on practical rather than moral grounds. An excessive number of slaves in Georgia, they said, would bring the danger of slave revolts.³⁰ However, the document is hardly an “anti-slavery petition” as the Trustees would later claim. Rather, it consists of several paragraphs filled with requests for money and assistance, with slavery mentioned in only three sentences. It is likely that the Salzburgers put forward their petition in order win favor with the Trust rather than out of a deep dislike of slavery. There are additional reasons to question the strength of the Ebenezer commitment to anti-slavery. Town residents had used rented slaves in 1734 to begin construction of their homes, and by the end of the 1740s many residents of Ebenezer had joined the pro-slavery side.³¹

The petition from eighteen Scottish highlanders at Darien attracts more historical attention than the Ebenezer letter, despite the small number of signatories. The document lists five reasons for keeping the province’s prohibition of slavery, the first four of which closely echo the arguments of the Georgia Trustees; of particular interest to historians, however, is the fifth and final section, which reads, in part:

It is shocking to human Nature, that any Race of Mankind and their Posterity should be sentenc’d to perpetual Slavery; nor in Justice can we think otherwise of it, than that they are thrown amongst us to be our Scourge one Day or other for our Sins...³²

However, there is reason to doubt the sincerity of this declaration. A modern historian who investigated the events surrounding the Darien petition concluded that Oglethorpe may have written it himself and then pressured people to sign it through a combination of bribes (a full year’s supply of food and clothing for everyone in the community) and threats.³³ One of the signers, Alexander Monroe, later recanted, saying that when presented with the petition, he was coerced into signing it. If he refused, he was told that he “would

30. Inhabitants of Ebenezer to James Oglethorpe, 13 March 1739, *CRG*, vol. 3, 429–30.

31. Martin Boltzius to Harman Verelst, 3 May 1748, *CRG*, vol. 25, 289. For a recent look at Ebenezer and its evolving attitude towards slavery, see James Van Horn Melton, *Religion, Community, and Slavery on the Colonial Southern Frontier*, Cambridge: Cambridge UP, 2015.

32. Betty Wood, *Slavery in Colonial America*, Lanham, MD: Rowman and Littlefield, 2005, 116.

33. Harvey H. Jackson, “The Darien Antislavery Petition of 1739 and the Georgia Plan,” *William and Mary Quarterly* 4, 1977, 618–31.

see what would become of those that would not sign.”³⁴ The Trustees had hoped that the Ebenezer and Darien statements would give them a victory in the debate over Georgia’s slavery prohibition. Instead, the circumstances surrounding the Ebenezer and Darien petitions were further proof to the malcontents that the ban on slavery was detrimental to white liberty. Georgia officials, they charged, had used their power over colonists to coerce them into making anti-slavery statements. Such tactics were expected to be used against slaves, not against free Britons.³⁵

While Oglethorpe worked in Georgia, the Trustees in London worked on their own response to the 1738 Savannah pro-slavery petition. The Trustees accused the petitioners of participating in a conspiracy against Georgia’s legal government, especially singling out for censure the three pro-slavery magistrates for forgetting their duties. The actions of all the signers, the London response claimed, bordered on treason. The King had approved the slavery prohibition, which had been framed for the good of the colonists. Settlers who could not see this were “unfit for the trust reposed in them by His Majesty.”³⁶ They were lazy, greedy would-be overlords who “would put it into their power to become sole owners of the province.”³⁷ By contrast, the Trustees pointed out, the more noble and industrious citizens of Darien and Ebenezer had written in opposition to slavery.³⁸

The Trust’s harsh rejection of the 1738 slavery petition led to further escalation. Pro-slavery advocates in 1739 sent an unofficial representative, Thomas Stephens, to England to argue the pro-slavery case. Stephens was the son of one of their most loyal Georgia provincial officials, Secretary William Stephens.³⁹ A few

34. Monroe’s statement is given as appendix to Thomas Stephens, *A Brief Account of the Causes that have retarded the Progress of the Colony of Georgia* (1743) reprinted in Reese, ed., *Clamorous Malcontents*, 301–4.

35. Thomas Stephens, *The Hard Case of the Distressed People of Georgia* (1742) in Reese, ed., *Clamorous Malcontents*, 263, 268.

36. The Trust response is reprinted as part of *An Account Shewing the Progress of the Colony of Georgia in America from its First Establishment* (1741) reprinted in Reese, ed. *Clamorous Malcontents*, 254–5.

37. *Ibid.*

38. *Ibid.*

39. William Stephens was the top appointed official in the colony, serving as Secretary beginning in 1737. In 1741, he was named President of the colony, but he was given very few real powers and the colony was still run at a distance from England. Despite the limits on his legal authority, Julie Anne Sweet has built a case that he is overlooked as a founder; Julie Anne Sweet, *William Stephens: Georgia’s Forgotten Founder*, Baton Rouge, LA: Louisiana State UP, 2010.

days after his arrival, Stephens privately approached one of the Trustees, the Earl of Egmont.⁴⁰ Stephens hoped to pick up a few allies on the board itself. Stephens explained to Egmont that the whole province desired slavery, and suggested that the anti-slavery petitions from Georgia were the result of Oglethorpe's bribery and bullying. More people fled the colony every day, he reported, and others pledged to follow in the future unless conditions changed. Egmont, however, was firmly committed to the anti-slavery law as a means of protecting white morals and rejected Stephens' overtures.

Stephens next began circulating anti-Trustee and pro-slavery writings to members of Parliament. Each year, Georgia relied upon Parliamentary appropriations for its budget. If Stephens could convince members of Parliament and the public that tax money was being used to enslave fellow British citizens, the ensuing outcry might force Parliament to intervene. In early 1740, the Georgia corporation was preparing its annual financial request to the House of Commons and anticipated the same easy victory it had achieved in each of the previous years. Meanwhile, Stephens was circulating a pamphlet titled "Observations on the Present State of Georgia," in which he laid out the anti-Trustee position, though he strategically placed more blame on officials located in the colony rather than on the London Trustees, since several Trustees were themselves influential members of Parliament.⁴¹ Prosperous South Carolina and impoverished Georgia, Stephens wrote, were separated by two major things: a river and legalized slavery. Georgia's laws were developed "with a design to keep People Low and under a Necessity of Constantly working hard for their Bread, lest by Living more at their Ease they might employ their time in mischievous Contrivances."⁴²

One of the men given the pamphlet was Viscount Thomas Gage (c.1700-54). On 4 March 1740, Gage rose in Parliament and made a motion to force the Georgia Trustees to submit to the House of Commons all letters and memorials they had received in the past two years. He then produced a copy of the 1738 malcontent petition and read several paragraphs from it. Egmont, who as a Member of Parliament was also present, noted that Gage focused on

40. *Manuscripts of the Earl of Egmont: Diary of the First Earl of Egmont (Viscount Percival)*, London: H.M. Stationery Office, 1923, vol. 3, 84-8.

41. *Egmont Diary*, vol. 3, 105; Thomas Stephens, "Observations on the Present State of Georgia," in *Egmont Manuscripts*, Hargrett Rare Book Library, University of Georgia, 14210, 162-7.

42. *Ibid.*

those passages “that bore hardest on the Trustees’ management.”⁴³ Other MPs expressed support for Gage’s motion using arguments very much like those of the Georgia malcontents, a sign of just how much influence Stephens was building. The following day, Gage renewed his motion and Egmont noticed with a “heavy heart” that the most powerful MPs declined to defend the colony or its Trustees.⁴⁴ The Commons eventually voted £4,000 for Georgia, but one Member warned that if policies did not change, “there would not be a man for giving a farthing” when the Trust next applied for money.⁴⁵

As the Trustees began preparing their next monetary request, Stephens was again seen “in close whisper with Lord Gage.”⁴⁶ In just a year after his arrival, Stephens’ campaign was beginning to bear fruit. Two previously friendly MPs approached the Trustees and sharply questioned them over the propriety of slavery restrictions in the colony. In January 1741, the Trust request for £10,000 aroused significant *opposition* from those who wanted a full investigation into Georgia’s affairs. The Trustees, though, moved for an immediate vote to preempt any inquiry. After a sharp debate, the Speaker of the House of Commons called for a voice vote on the Trustee request and judged that the majority opposed giving the money to Georgia. A Parliamentary Trustee shot out of his seat and demanded a formal vote by division, which ended 115-75 in favor of granting the appropriation. Stephens had very nearly succeeded in winning a full Parliamentary investigation, which he saw as a key step to forcing the Trustees to legalize slavery. From this narrow defeat, Thomas Stephens concluded that he needed two additional things to secure victory: more money and official status as a Georgia agent. The first would enable him to take his campaign to a wider audience, while the latter would give him an additional measure of legitimacy. Accordingly, he left London for Savannah in April 1741.⁴⁷

Stephens represented the views of white colonists, but how did African slaves view the situation? While there were at the time no Afro-Georgians, two events occurring just a year apart in neighboring colonies offer some insight into black conceptions of liberty. In 1738, a group of approximately 100

43. *Egmont Diary*, vol. 3, 108–13.

44. *Ibid.*

45. *Ibid.*

46. *Egmont Diary*, vol. 3, 182–83.

47. *Ibid.*, vol. 3, 184–5.

escaped Carolina slaves founded the settlement of Fort Mose in Spanish Florida.⁴⁸ Spain had long encouraged Carolina's slaves to run away to undermine British colonial development. Over the years, many of these fugitives had congregated in Florida, but Spanish authorities had not honored the Spanish Crown's promise to free them. One Florida Governor in 1729 even sold several Carolina runaways at auction and sent the proceeds to their former British owners. Led by the slave Francisco Menendez, the runaways at last in 1737 petitioned for and received their unconditional freedom, after which they settled about two miles away from St. Augustine. The free blacks of Mose served in the militia, defending Florida until the end of Spanish control in 1763. The Mose community gladly accepted and absorbed later runaways, which helped them both to replenish their numbers and to maintain their collective identity as ex-British slaves. By their actions, the residents of Mose successfully and eloquently staked out a claim to black liberty.

The year after the establishment of Fort Mose to the south, Georgia's northern neighbor was rocked by the largest slave uprising on the British colonial mainland, the Stono Rebellion. On 9 September 1739, a group of approximately 20 South Carolina slaves broke into a store along the Stono River, killing the storekeepers and stealing weapons.⁴⁹ The rebels raised a flag, recruited fellow slaves into an army, and marched in plain view along the road repeatedly shouting "Liberty!"⁵⁰ Their plan was to march to Spanish Florida where they would be given their freedom just like those at Fort Mose. The rebel numbers swelled to perhaps as many as 80, and as they marched, they burned hated slave plantations and attacked whites they came across. The following day, the South Carolina militia attacked and defeated the rebel army. Shocked and horrified white Carolinians then launched a series of reprisals to punish slaves for their resistance and to warn other slaves to give up their hopes for freedom. By the time the violence wound down, about 40 whites and an equal number of slaves were dead. Whites in Georgia and South Carolina blamed the rebellion on the presence of Fort Mose, the existence of which served as a very visible

48. Jane Landers, "Gracia Real de Santa Teresa de Mose: A Free Black Town in Spanish Colonial Florida," *American Historical Review* 1, 1990, 9–30; and also J. Landers, *Black Society in Spanish Florida*, Urbana, IL: U. of Illinois P., 1999.

49. Peter Wood, *Black Majority: Negroes in South Carolina from 1670 through the Stono Rebellion*, New York: Knopf, 1974; Mark Smith, ed., *Stono: Documenting and Interpreting a Southern Slave Revolt*, Columbia, SC: U. of South Carolina P., 2005; Peter Charles Hoffer, *Cry Liberty: The Great Stono Slave Rebellion of 1739*, Oxford: Oxford UP, 2010.

50. Ibid.

and powerful symbol of black liberty that slaves struggled to achieve. Oglethorpe and the Trustees tried to use the Stono rebellion to argue that slavery was too dangerous to allow in Georgia so long as Fort Mose could inspire slaves to resist.⁵¹ However, the Stono Rebellion did not convince South Carolina to give up slavery, nor did it dissuade most Georgians. The abolition of slavery was an essential feature in black liberty, but that vision was not shared by white colonists. Pro-slavery white colonists believed that black and white liberty could not co-exist, and that white liberty depended on the suppression of black liberty.

While Thomas Stephens was busy pressing their case in England and South Carolina was experiencing the aftershocks of Stono, Georgia pro-slavery colonists in December 1740 drew up three different petitions, two from residents of Savannah and one from a group of settlers who had left Georgia and relocated to South Carolina. Two of the petitions were addressed to the Trustees and were undoubtedly intended for Stephens to circulate in England. The third petition was addressed to “King George II or Parliament,” making this the first appeal by Georgians directly to the King.⁵² Collectively, the petitions proposed a series of colonial reforms beginning with the legalization of slavery. They also introduced an additional goal into the debate: the establishment of self-government. Petitioners asked for “the liberty of choosing our own Magistrates.”⁵³ This they considered “so agreeable to the nature of Britons and as we humbly think so consistent with the constitution of our native land.”⁵⁴ The current officials in the province, all of whom had been appointed by the Trustees with no input by the people, had acted “contrary to the famous Declaration of Rights made by our forefathers at the Glorious Revolution.”⁵⁵ Making government accountable to voters would limit colonial authorities’ ability to act in arbitrary and tyrannical ways. Finally, the petitioners asked that even minor Trustee-appointed officials such as constables be answerable to elected leaders, which was a measure probably intended to eliminate Oglethorpe’s personal

51. An Account of the Negroe Insurrection in South Carolina, *CRG*, vol. 22, pt. 2, 232–6.

52. From the Inhabitants of Savannah to the Trustees, 22 November 1740, in Lane, *Oglethorpe’s Georgia*, vol. 2, 485–91; From Hugh Anderson and Others to the Trustees, 2 December 1740, *ibid.*, vol. 2, 491–6; A Petition to King George II or Parliament, 29 December 1740, *ibid.*, vol. 2, 513–24.

53. *Ibid.*

54. *Ibid.*

55. *Ibid.*

influence in Georgia. Here in clear terms the colonists explicitly asserted their understanding of the relationship between liberty and slavery. Liberty entitled them to own slaves. Liberty entitled them to vote for their own leaders. Therefore, liberty, slavery, and self-government were all fundamental components of a free society.

In 1741, Patrick Tailfer and other malcontents penned the single most devastating broadside yet against the Trustees. Entitled *A True and Historical Narrative of the Colony of Georgia in America*, it was vicious, clever, and cutting. With thick sarcasm, the authors professed thanks that the Trustees “protected us from ourselves . . . by keeping all earthly Comforts from us.”⁵⁶ The Trust had represented the conflict in Georgia as driven by a cabal of slave merchants who wanted to make an easy profit. Not true, said the authors of the *Historical Narrative*. The struggle was between freedom and tyranny:

The Valuable Virtue of Humility is secured to us by your Care, to prevent our procuring, or so much as seeing any Negroes, (the only human Creatures proper to improve our Soil) lest our Simplicity might mistake the poor Africans for greater Slaves than ourselves. [When the colonists had first arrived, they found themselves] deprived of the liberties and properties of their birthright [and, should they dare to complain,] Irons, whipping-posts, and gibbets . . . were provided to keep the inhabitants in perpetual terror. [And there were] more imprisonments, whippings &c. of white people in that *colony of liberty*, than in all British America besides.⁵⁷

The pro-slavery settlers demanded legalized black slavery and self-government, claiming that the alternative was a society of white colonists enslaved under the lash.

The Trustee response demonstrates that they were still committed to limiting white liberty in the name of preserving white morality. The Trustees fired John Fallowfield, a Savannah bailiff who signed multiple pro-slavery petitions. In the letter dismissing him, Fallowfield’s disloyalty to the Trust was held up as proof that Georgia colonists were “unable to govern themselves.”⁵⁸ Fallowfield fired back saying that colonists in Georgia should elect their own leaders since they

56. Ver Steeg, *True and Historical Narrative*, 4.

57. *Ibid.*, 4, 17, 59, 65, 129. Emphasis in original.

58. Harman Verelst to John Fallowfield, 16 February 1742, *Egmont Papers*, 14212, 63.

“best knew the people and who is fittest for the Magistracy,” and he further hoped that King George II would revoke the Georgia charter entirely and make it into a royal colony.⁵⁹ Egmont heavily annotated his copy of the *True Narrative* with over three hundred lengthy marginal notes. In response to the accusation that the Trust had deprived colonists of their liberties, he wrote:

What he [Tailfer] clamours for is the use of negroes, the liberty to sell and take up land at will when and where he pleases, the choice of Magistrates independent of the Trustees etc. in a word to be on the foot of the other American Colonies.⁶⁰

To which the malcontents would have enthusiastically said, “Yes, exactly!” What they wanted was the liberty, including both slavery and self-government, enjoyed by whites in other British-American colonies. Meanwhile, Thomas Stephens had been appointed as Agent for Georgia by the St. Andrew’s Club in Savannah. Though the pro-slavery settlers had no legal authority to appoint an agent for the colony, they did so anyway, declaring that they would not accept “any Government whatever, except of their own creating.”⁶¹

The Georgia pro-slavery campaign’s high water mark came in 1742. When Stephens arrived back in England, he found that Tailfer’s *Historical Narrative* had made a profound impact. Prominent officials of both Parliament and the Crown were openly questioning the Trustees and their management of Georgia. Word of the conflict had spread well outside of London. The city of Bristol sent a petition to the House of Commons asking Parliament to force the Georgia Trustees to allow Georgians “a Council and Assembly to be chosen out of the people, and in other respects to enjoy the British Privileges as his Majestys other Colonies do.”⁶² On 15 March 1742, Parliament for the first time ever voted against the Georgia Trust’s annual request for funds. Left unspoken was the reality that Parliament was also rejecting all the Trustee policies that had limited colonial liberty. In the aftermath of the defeat, Egmont wrote: “the petition being lost, the colony is lost with it.”⁶³

59. John Fallowfield to the Trustees, 27 July 1742, *Oglethorpe’s Georgia*, vol. 2, 639–42.

60. Ver Steeg, *True and Historical Narrative*, 17.

61. CRG, vol. 4 supplement, 258, 263–4. Stephens’ commission is in *Egmont Papers*, 14206, 43–7.

62. Inhabitants of Bristol to Sir Abraham Elton Bart. & the Honble. Edward Southwell Esq., 13 March 1742, *Egmont Papers*, 14212, 75–6.

63. *Egmont Diary*, vol. 3, 261.

Stephens kept up the pressure, and his rhetoric became even more severe. He constantly attended sessions of the Commons, flitting about in the lobby, whispering in ears, and staring down Trustees whom he encountered. Stephens argued that white British colonists by their birth possessed certain “unalienable rights” that no government could take away, and that among these rights was the liberty to own slaves.⁶⁴ To deny this right to colonists would make them “slaves to the Ambition and Government of designing men in a foreign Land,” to which he added that, “The poor people of Georgia may as well think of becoming Negroes themselves (from whose Condition they seem not to be far removed) as of hoping to be ever able to live without them.”⁶⁵

Frustrated by the criticism, the Trustees finally hit back, demanding a full and formal Parliamentary investigation into Stephens’ accusations and whether they amounted to libel. Over a period of two months in 1742, Parliament heard witnesses from both sides. In the end, Stephens was found guilty of publishing falsehoods and the Speaker of the Commons chastised him for a full half hour. The Trustees began to celebrate the outcome, but then noticed that Stephens was “seen to smile as he came out of the house.”⁶⁶ They had fallen into a trap. Though Parliament had chastised Stephens for his tactics, he had gotten what he truly wanted, a full and public airing of all the Trustee missteps in Georgia. As a result, the Trust’s reputation was in tatters. Exhausted, the Earl of Egmont resigned from leadership in the Trust and stopped attending its meetings. He urged the Trustees to immediately surrender their charter to the King, saying that he could not “see how they can do otherwise if they regard their honor and peace of mind.”⁶⁷ Feeling that he had achieved victory, Thomas Stephens moved back to America and settled in South Carolina.

One central contention of Edmund Morgan’s *American Slavery, American Freedom* is that slavery’s presence served to minimize class tensions in white society. That same pattern can clearly be seen in Georgia. Historian Betty Wood investigated the backgrounds of the various individuals who signed the colony’s proslavery petitions. She concluded that “a curious equality seems to have pervaded the movement which sought to introduce a plantation

64. Stephens, *Hard Case*, 259–71.

65. *Ibid.*

66. CRG, vol. 5, 642.

67. CRG, vol. 5, 643–4.

society.”⁶⁸ Of the 212 inhabitants who signed a major protest in the 1730s or 1740s, almost half had come over as servants or charity cases and likely could not have afforded to purchase slaves even if they were legal. The move to legalize slavery was not due the machinations of a few elites, but a broad-based movement that successfully united white colonists of differing economic classes by celebrating their shared freedom over black slaves.

The Trust continued to function and support the slavery prohibition after 1742, but with little money or reputation remaining, its influence over Georgia quickly waned. Colonists began openly violating the slavery ban by importing Africans from South Carolina while Georgia magistrates looked on, making no attempt to stop the slave trade. As the white colonists saw it, they merely took back what the British constitution gave them: “Liberty and Property without restrictions.”⁶⁹ At last giving into the inevitable, the Trustees agreed to allow slavery into the colony starting 1 January 1751, and at the same time agreed to surrender their charter to the King in 1750. South Carolina residents, many of whom had opposed Georgia’s policies as violations of liberty, now rushed to take advantage of Georgia’s nascent slave economy.⁷⁰ Acquisition of slaves, though, was just the start, and soon the conflict over liberty in Georgia would lead to measures to increase white control over the lives of slaves.

Just before surrendering their charter, the Georgia Trustees issued the colony’s first slave code in 1750. As Georgia still had no regular government, the law was drafted and implemented with only limited, informal input from the colonists. In some ways, it was like slave codes in other colonies. For example, Georgia’s first slave code carried common prohibitions against interracial sex and marriage. But in most ways, the 1750 code focused more on controlling white behavior than slave behavior, reflecting what had always been the Trust’s priority. Slaveowners were required to employ one white male servant for every four male slaves. Under the law, owners could only use slaves for unskilled agricultural tasks, which limited the ability of owners to profit from slave labor. The new rules did not deal at all with the punishment and discipline of

68. Betty Wood, “A Note on the Georgia Malcontents,” *Georgia Historical Quarterly* 2, 1979, 264–78.

69. Ver Steeg, *True and Historical Narrative*, 153; John Dobell to [unknown], 4 July 1746, *CRG*, vol. 25, 74; Rev. Mr. John Martin Bolzius to Mr. John Dobell, 20 May 1748, *CRG*, vol. 25, 284; Alexander Heron to [unknown], 11 May 1748, *CRG*, vol. 25, 294–5; *CRG*, vol. 1, 530.

70. This migration is thoughtfully examined in Alan Gally, *The Formation of a Planter Elite: Jonathan Bryan and the Southern Colonial Frontier*, Athens, GA: U. of Georgia P., 1989.

slaves, but instead implemented punishments for whites. Masters who inflicted serious physical punishment or prevented slaves from attending church services would be fined. The 1750 code also dictated that owners would have to devote some of their slaves' labor to silk cultivation. The Trustees had long pursued an unrealistic dream that Georgia could become the center of world silk production, and thus their law mandated that a master would have to grow a certain number of mulberry trees per acre and devote at least one female slave to silk production for every four male slaves owned.⁷¹ To Georgians, this Trustee-imposed code fulfilled all their worst fears. The law may have made slavery legal, but in effect it was as much of a violation of white liberty as had been the slavery prohibition. In the eyes of white colonists, it reduced masters to a status barely distinguishable from slaves. The colonial response was to ignore the law and wait until they had a representative assembly through which they could implement their own vision of liberty and slavery.

Georgia's first royal governor arrived in 1754, and by the following year Georgia had its first representative lawmaking assembly. At last, Georgians could exert local control over their own society. Longtime proslavery settler Jonathan Bryan remarked that the province at long last enjoyed a society "founded upon liberty."⁷² One of the top priorities in this new society of freedom was drafting a new slave code. Georgia's 1755 code was a direct response to the long struggle for white liberty. Whereas the 1750 Trustee slave code concentrated on restricting white behavior, the new code was explicitly focused on "better Ordering and Governing Negroes and other slaves in this province."⁷³ While the act gave lip service to protecting slaves from excessive brutality at the hands of slave owners, the practical effect was to loosen previous restrictions on white behavior.

Recent scholarship has emphasized that Georgia and South Carolina were both heavily settled by individuals from the Caribbean, and therefore it should come as no surprise that Georgia's slave codes resembled those of South Carolina, which in turn had been inspired by those in the Caribbean. What is remarkable however, is that Georgia's slave codes over time became arguably the most repressive in the Anglo-Atlantic world. As Paul M. Pressly puts it, a "colony that had begun as a bald repudiation of Carolina's slave society was

71. The new Act is dated 15 August 1750, and is in *CRG*, vol. 1, 56–62.

72. Jonathan Bryan to the Earl of Halifax, *CRG*, vol. 27, 114.

73. *Ibid.*

now giving its mentor a lesson in black-white relations.”⁷⁴ The 1755 slave code removed most importation and ownership restrictions, allowing planters to expand their slaveholdings. It also expanded the reach of slavery to include not only Africans, but Native Americans as well. The law gave masters absolute power over the movements of their slaves: No slave could travel from the plantation or town of their master without written permission. Slaves could not legally be taught to read and write, nor could they assemble without white supervision. The new provisions outlined numerous crimes that slaves might commit, but for all non-capital offenses, the specific punishments were left to the master’s discretion. Only severe cruelties such as murder, castration, burning, or blinding were prohibited. With few exceptions, masters were given full power.⁷⁵

The 1755 code also strove to unite whites regardless of whether they owned slaves or not. It allowed whites to stop and interrogate any traveling slave to make sure the slave had permission from his or her master. If the slave refused to produce a signed pass, any white person in the colony had the legal authority to “moderately correct” the slave.⁷⁶ If the slave resisted such questioning by physically striking the white interrogator, the law mandated the death penalty. It made no difference whether the white person struck was a slave owner or not, rich or poor, powerful or humble, for all whites were equally sacrosanct. The 1755 slave law was followed two years later by measures requiring organized slave patrols manned by owners and non-owners alike, thus bonding the two categories of whites together in opposition to slaves. In short, the slave code enhanced white liberty by expanding white control over slaves.

Georgia’s Royal Governor Henry Ellis (1721-1806) learned the hard way never to interfere with slave ownership. Ellis arrived in the colony in 1757 to replace the controversial outgoing governor, John Reynolds (c.1713-88), who had been accused of cronyism and corruption. The new governor carefully cultivated support from a wide range of colonial leaders and implemented several reforms that colonists had long desired, in the process earning overwhelming praise from colonists. Early in his tenure, however, Ellis proposed a change in Georgia’s land and slave policies. Georgia planters could receive 50 acres of land for each slave they owned. This allowed large scale slave owners to monopolize accessible land, leaving little for those who did not own slaves.

74. Paul M. Pressly, *On the Rim of the Caribbean: Colonial Georgia and the British Atlantic World*, Athens, GA: U. of Georgia P., 2013, 150–1.

75. The 1755 slave code is in CRG, vol. 18, 102–44.

76. CRG, vol. 18, 212–17, 290–5.

Ellis therefore asked the Board of Trade for permission to lower the amount of land granted for each slave to 10 or 20 acres.⁷⁷ When Ellis raised the issue with his Royal Council, he found strong opposition to his proposal, and his personal popularity began to dissipate. When it became clear to Ellis that he had zero support in the colony for any effort to limit slavery or its proceeds, he quickly let the matter drop.⁷⁸

After the Seven Years' War ended in 1763, the imperial relationship between Great Britain and the American colonies began to break down as the mother country imposed new tax measures, and colonists in turn pushed back against perceived attacks on their autonomy and liberty. In partial response to these fears, Georgia in 1765 implemented yet another new slave code giving masters still greater liberty to control their human property.⁷⁹ The 1765 code notably dropped all limitations previously placed on owners concerning the work and living conditions of their slaves, leaving everything to the discretion of slave masters.

That same year, 1765, Georgia became engulfed in the Stamp Act crisis. As was done elsewhere, Savannah residents burned and hanged the stamp master in effigy, and the local chapter of the Sons of Liberty swore to force the tax collector's resignation.⁸⁰ Throughout the colonies, authors complained that Parliament was trampling liberty. John Adams in Massachusetts wrote that "there seems to be a direct, and formal design on foot, to enslave all America."⁸¹ A few years later, in response to further taxation from the mother country, John Dickinson in Pennsylvania wrote that taxation without representation meant that "We are therefore—SLAVES."⁸² The rhetorical matching of liberty and slavery, though, was nothing new to Georgians, who had already inhabited that conceptual framework for decades. Upon the Stamp Act's repeal, Georgia reverend John J. Zubly proclaimed his joy that "our land is not become a land

77. Henry Ellis to the Board of Trade, 20 March 1757, *CRG*, vol. 28, pt. 1, 15.

78. Henry Ellis to the Board of Trade, 5 May 1757, *CRG*, vol. 28, pt. 1, 23.

79. *CRG*, vol. 18, 649–88.

80. *Georgia Gazette*, 31 October 1765; and *ibid.*, 7 November 1765.

81. John Adams, *A Dissertation on the Canon and the Feudal Law* (1765), in *The Works of John Adams*, ed. Charles Francis Adams, Boston, MA: Little, Brown and Co., 1851, vol. 3, 464.

82. John Dickinson, Letter VII of "Letters from a Farmer in Pennsylvania" (1768) in Paul Leicester Ford, ed., *The Political Writings of John Dickinson*, Philadelphia, PA: Historical Society of Pennsylvania, 1895, 357.

of slaves, nor our fields a scene of blood.”⁸³ Had the Stamp Act stood, he concluded, the consequences for colonists would have been dire: “all their liberty and property is at an end, and they are upon a level with the meanest slaves.”⁸⁴ For Georgia colonists, the impositions of Parliament in the 1760s were similar in nature to the impositions of the Trustees in the 1730s and 1740s. Both organizations had tried to strip the colony’s white inhabitants of control over property—whether monetary or human—and by doing so attempted to reduce whites to a position of slavery.

It therefore outraged Georgians when they learned in 1768 that the Crown had disallowed their 1765 slave code. The rejection occurred over a technicality in defining slaves as real property rather than as personal chattel, but no explanation was given at the time, so colonists interpreted the refusal as an attack on both black slavery and white freedom. By denying absolute control over black slaves, the Crown was attacking white liberty. Royal instructions specifically forbade the re-enactment of any law refused by the King, but regardless the Assembly went ahead and passed, with Governor Wright’s approval, a nearly identical temporary slave code under a different title. As Wright explained in a letter to the Board of Trade, “But in our Situation there was an absolute Necessity to Pass Some Law Immediately . . . so as to Prevent the Province from being thrown into the utmost Confusion & distress.”⁸⁵ Georgia’s social order and its claims to liberty, both of which rested upon slavery, were more important than the King’s orders. Georgia finally solidified control over slaves with a permanent slave code in 1770, nearly identical to the 1765 code disallowed by the Crown.⁸⁶

Why, then, did the loudest yelps for liberty come from the drivers of slaves? As made clear through the case of Georgia, colonial Americans had tied their own sense of liberty to the institution of slavery. During the 1730s and 1740s, white Georgians insisted that the right to own black slaves was necessary to secure white liberty. After slavery became legal in 1750, Georgians then focused on expanding that liberty by increasing control over slaves. Governor Wright, who as the colony’s largest slave owner had a personal stake in the question, defended Georgia’s increasingly rigid and harsh slave codes using

83. Randall M. Miller, ed., *A Warm and Zealous Spirit: John J. Zubly and the American Revolution, a Selection of His Writings*, Macon, GA: Mercer UP, 1982, 55, 63, 75.

84. *Ibid.*

85. James Wright to the Board of Trade, 8 June 1768, *CRG*, vol. 28, pt. 2, 255.

86. *CRG*, vol. 19, pt. 1, 209–49.

these terms: “such Laws to a Briton who has not been in America, & has no Idea of Slavery, may, nay must Seem Contrary to the Laws of England, & almost totally exceptionable, but we Cannot do without them here.”⁸⁷ Wright was both right and wrong. He was right that colonists well understood the relationship between liberty and slavery. He was wrong, though, to suggest that people in England had no understanding of that dynamic. Though slaves were rare in the British Isles themselves, many people in the mother country, Samuel Johnson among them, recognized that white colonial liberty had become thoroughly entangled with black slavery.

87. James Wright to the Board of Trade, 8 June 1768, *CRG*, vol. 28, pt. 2, 254–5.

Copyright of *Historian* is the property of Wiley-Blackwell and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.