Georgia Colonial Wills

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THE abstracts of Georgia's colonial wills, 1733-1777, are offered here in print for the first time in 195 years (1777-1962). The colonial archives of Georgia (dating from the charter for "Founding the Colony of Georgia in America," obtained by James Edward Oglethorpe, English philanthropist, and 21 members of a Board of Trustees, from King George II, and signed June 9, 1732) are filled with romance and pathos. Interwoven in the archives is a pattern of progress, war, and neglect. Because so many colonial records were irretrievably lost, the student of colonial history continues to struggle under difficulties of not having access to a complete file of the archives of the Colony of Georgia.

When Savannah, then the capital of Georgia, fell into the hands of the British in 1778, Secretary of State Capt. John Milton, by order of Gov. John Houstoun, conveyed the most important records of the Office of Secretary of State and the Executive Department to Charleston, S. C., to prevent their capture by the enemy. The removal was overland by wagons and teamsters. Prior to the fall of Charleston in 1780, Milton again removed the records, to New Bern, N. C., and left them in the care of the Governor of North Carolina. When North Carolina was invaded, and the Georgia records were again in danger of capture, Milton obtained leave of absence from his command and carried them to the upper part of Virginia, and finally to Maryland. Here they remained until 1783, when the State arranged to have them returned to Savannah by the same mode of travel—two wagons and teamsters. Thus were saved through the Revolutionary War, papers and documents pertaining to the Office of Secretary of State, and part

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of the records belonging to the Office of Governor (Executive Department).

The older records, pertaining to the early colonial period and the period of the Royal Governors, were left behind, and many were lost, carried off, or destroyed.

Daniel Sturges, Surveyor General of Georgia, wrote Gov. James Jackson, on August 20, 1799, on the subject of the deficiency of the records in his office. These consisted of land surveys and plats of the colonial period, prior to 1775. He averred that the deficiency of records "is owing to their being taken off by a Mr. McKenzie, a British adherent, an officer in whose charge those papers were on the evacuation of Savannah by the British forces, to the Bahamas, from whence it is said the other books were carried, with other publick papers of the State, to England, and are lodged in the Tower of London. Book C (Surveys of land), as he is further informed was brought back by a refugee who wished to make his peace with the State." Sturges urged the Governor to recover other public documents lodged in the Tower of London. It had come to Gov. James Jackson's attention as early as January 24, 1799, through William Sims, of Columbia County, Ga., who made affidavit under date of February 6, 1799, "that on the first day of February, 1799, Mr. Charles Goodwin told him the deponant when the said Goodwin was in England last, he saw a great many papers deposited in the Tower belonging to the State of Georgia, and that those papers were carried from this State to the Bahama Islands, from thence to Scotland and from Scotland to London, which he, the said Goodwin, declared to be in the Tower . . ."

The interest in the records, and discovery of them in the Tower of London, seems to have come about from the "Galphin Claims." An Irishman, George Galphin, Indian trader, had—during the period of Royal Government—established his trading house at Silver Bluff, below Augusta, just across the Savannah River in South Carolina, where for many years he carried on successful trade operations from Charleston to St. Augustine and Mobile.

James Wright, last Royal Governor of Georgia, and John Stuart, Indian Superintendent, met with the Cherokee and Creek chieftains at Augusta in 1773. The Indians, who had become deeply in debt to the Indian traders (those debts amounting to forty or fifty thousand pounds), agreed to give up their surplus hunting grounds—two great tracts of land, which the prosperous royal colony of Georgia needed to bring in new settlers. In turn,

Governor Wright agreed to release the Indians from their debts to the Indian traders. The British Government pledged itself to the Indian traders to meet their obligations by paying them monies due them from the Indians. In time, all seem to have secured settlements except George Galphin. As the Revolution soon came, Galphin's claims were disallowed because the British held that he had supported the Revolutionists, but after the war Georgia refused to pay on the ground that the debt was an obligation of the Federal Government.

Charles Goodwin, attorney and agent for the heirs of George Galphin, wrote Gov. James Jackson, in reply to a letter from him, dated "Silver Bluff, February 1, 1799," about the Georgia papers he had seen in England. Goodwin states: "Whenever the State of Georgia is disposed to do justice to the claim of the late George Galphin against the Ceded Lands, on the behalf of whose children I went to England, I shall then feel myself at liberty to give every information that you could require and that it were in my power to give—Till that Period Arrives it is my Duty to be silent."

Correspondence between Governor Jackson and George Sibbald of Louisville, Thomas Fitzsimmons of Philadelphia, and Mr. Sitgreaves, Commissioners of the United States on British Treaties, brought about—despite the silence of the attorney for the Galphin heirs—the delivering up of the public papers by the Court of St. James to Rufus King, the American Ambassador to England, on a requisition by Governor Jackson. Perhaps the records in the two trunks received in 1801 by Georgia were disappointing to the State officials appointed by the Governor to attend to the opening, arranging, and scheduling of the papers. The State officials had hoped, perhaps, that the trunks would contain some of the land grants and surveys, so greatly needed as background for new legislation regarding land.

On Saturday, November 14, 1801, William Hutchinson of the Senate committee reported "that they have taken a cursory survey of the books and papers, late from Europe, and find them to consist partly of old Registers of Deeds, Wills, etc. and partly of old court files and other useless papers; and upon the whole are of opinion (with the exception of one or two books containing a record of Wills and deeds of Conveyance) that they are of no use to the State and therefore not worth the attention of the Legislature." (Senate Journal, 1801, p. 180.)

Such causes as lack of vision, removal of the Georgia capital four times, the Civil War, fire, theft, and damage by water, neg-

lect, mice, and squirrels, have left us with a paucity of early archives. Yet, in spite of all these hazards, it is amazing how much still remains, owing to dedicated individuals, to give the partial story of our early history.

Colonial Will Books A and AA and over 300 loose wills in the Department of Archives, and five in the University of Georgia Libraries, Special Collections, Athens, not only contain pertinent genealogical information but reflect the social customs and economic trends of the day. The charm and color gleaned from the frankness of these early people, as expressed in their wills, give us an insight into the past so unique today.

Although the Galphin claims dragged on until 1849 before final settlement, it is through these claims, the vision of Governor Jackson, and the cooperation of the British Government, that some colonial public records exist today in Georgia's State Archives. The wills abstracted in this publication once spent nearly 20 years in the Tower of London, and had gone by way of the Bahamas and Scotland, before being lodged in the Tower.

Book B of Georgia's Colonial Wills has never been found. Perhaps this, as well as other records belonging to the Colony of Georgia, will be found in the course of time and be made available to scholarship. Valuable treasures in the way of archives and great paintings have been lost or buried in institutions for hundreds of years, and sometimes finally have come to light.

It is hoped that these abstracts will stimulate a series of publications of colonial documents in State archives. Series of inventories of estates, bonds and bills of sale, and conveyances remain to be published in the future. These wills and other records tell much about the lives of our first settlers; their problems and how they solved them; their successes and how they gloried in them. Their deeds have become the tap root of the great oak that is Georgia today.