

II -- THE VILLAGE

7

THE TOWN OF NINETY SIX - THE COURTHOUSE AND JAIL

The Beginning of the Town of Ninety Six

With the close of 1761 and the signing of the peace treaty with the Cherokees, the information from Ninety Six becomes scanty indeed. On June 20, 1762, Cherokee warriors, escorted by Capt. Mackintosh from Fort Prince George, arrived at Fort Ninety Six with a number of naked White prisoners taken during the Cherokee War. Fortunately, relatives and friends of the prisoners happened to be on hand at Ninety Six when they arrived and took charge of the prisoners until they could be exchanged for Cherokee prisoners held for the past two years at Charleston. Word was sent of their arrival, and on July 10th the Indian prisoners left Charleston for Ninety Six for the exchange. While awaiting the arrival of the Indian prisoners from Charleston, the Cherokee escorts used the time to hunt for game in the vicinity of Ninety Six (SCG, July 3, 10, 1762).

This postscript to the Cherokee War is the final word for that era at Ninety Six. We know only a few scattered facts about this period, such as, that in 1764 James Mayson at Ninety Six was subscribing to the South Carolina Gazette, and in October of that year Andrew Williamson was also at Ninety Six, and Robert Goudy found two stray horses and advertised for their owner to pick them up (SCG, August 25, October 1, 1764). In the following year a letter from Ninety Six reported that there were still a great number of villians in the area, openly and boldly violating the law (SCG, June 14, 1765). However, Robert Goudy continued to

successfully operate his business, and at the time he made his will in 1775, he divided his holdings equally between his wife Mary and his son James and daughter Sarah, and left 200 pounds currency each to his three Indian daughters, Peggy, Kiunagree, and Nancy (SCA, Wills, Charleston County, 1774-79:303).

On July 21, 1767, a significant land transaction took place which was to have an important role in the development of a settlement to the north of Fort Ninety Six, which was to be known as the village of Ninety Six. In 1751, John Hamilton's "Great Survey" line had been run bordering on the north side of Robert Goudy's "Ninety Six Plantation," as his property was known in 1767. Fort Ninety Six had, of course, been on Robert Goudy's land at the trading post and barn site, but the new settlement, to be known as Ninety Six, was to develop on this land above Fort Ninety Six, on what was once part of "Hamilton's Great Survey" (Meriwether 1940: 126; SCA, Charleston Deeds, I-3:11-17, June 21, 1767). This transaction was the sale of 400 acres by John Murray and his wife to John Savage (for £200), which Murray had obtained from John Hamilton in 1755, being part of his "Great Survey" of 2000 acres (SCA, Charleston Deeds, T-4:492-96, Nov. 28, 1755; I-3:11-17, June 21, 1767). During the nine years following this 1767 transaction, John Savage apparently sold lots along the Charleston Road for a distance of 400 feet and had set aside ten acres of the 400 acre tract:

for the town lotts, streets & public lands whereon the Court-house and gaol now standeth (SCA, Charleston Deeds, G-5:376; P-4:461, 467, September 9, 1776).

This 1776 transaction was a one year lease on the remaining 390 acres not in the town, to Tacitus and Isaac Gaillard. The development of the

town of Ninety Six on this ten acre tract, which bordered on a creek to be known as "Town Boundary Branch," was closely related to the building of a courthouse and jail in 1772 (SCA, Acts of the General Assembly, 1769-1777, C.O. 5:424. Hereinafter cited as AGA, SCA, Confiscated Estates, James Holmes, 1783).

The Jail at Ninety Six

On July 29, 1769, an act was proposed for establishing courts, building jails, and appointing sheriffs and other officers in the province, and the announcement of its approval was made in February 1770 (SCA, Journal of the Commons House of Assembly. Hereinafter cited as JCHA, XXXVIII:273-75). The courthouses were to be built in a plain strong manner of wood (SCA, Commons House Journal, XXXVIII:305). In the General Assembly of January 1772, an act regarding a courthouse and jail for the Ninety Six District specified that they should be built "within a mile of the place where Fort Ninety Six stood" (SCA, Acts 1769-77; C.O. 5:424). In the same month five of the districts had nearly finished the courthouses and jails allotted to them (SCA, British Public Records Office. Hereinafter cited as BPRO, XXXIII:113). The courthouse and jail were apparently completed by 1774, for in that year Thomas Fee, an Augusta blacksmith, was imprisoned in the jail at Ninety Six for killing Mad Turkey, an Oakfuskie chief. Angry frontiersmen soon forced the jail, however, and released Fee (Alden 1944:307). In 1775 the jail was said to have been of brick, with the courthouse apparently of frame construction, for it was said not to have been musket proof (Drayton 1821:387; SCA, JCHA, XXXIX:200). The jail was described as having four windows and a shingled roof at this time (Drayton 1821:387).

In February 1779, David Fanning was imprisoned in the Ninety Six jail and gave a description of some of the details of its construction:

...I was chained and ironed as before, in the centre of a room 30 feet square; forty-five from the ground, the snow beating in, through the roof, with four grates open night and day.... I got my chains off in the night of the 12th; the Gaoler did not chain me down again... (Clark 1904:188).

Fanning escaped on the night of February 13, 1779, by going down stairs and breaking out through the back of the chimney (Clark 1904:188). These details, along with comparative drawings and photographs of jails built during the same period, should permit interpretive drawings to be made of the Ninety Six jail that would be reasonably accurate.

We have a description of the town of Ninety Six as it appeared in 1780 to a soldier, Lt. Anthony Allaire of The American Volunteers, under Capt. DePeyster of Ferguson's Corps. He arrived at Ninety Six on June 22nd, 1780, and described the town.

It is a village or country town--contains about twelve dwelling houses, a court-house and a jail, in which are confined about forty Rebels, brought in prisoners by the friends to Government, who have just now got the opportunity, and gladly embrace it, many of them having been obliged before this to hide in swamps to keep from prison themselves. Ninety Six is situated on an eminence, the land cleared for a mile around it, in a flourishing part of the country, supplied with very good water, enjoys a free, open air, and is esteemed a healthy place. Here were condemned seventy-five friends to Government at one court; five were executed--the others got reprieved.

On Saturday, the 24th, Allaire:

Took quarters in town, opposite the jail, where I have the constant view of the Rebels peeping through the grates, which affords some satisfaction to see them suffer for their folly. Some of them are magistrates; one the executioner of the five that were hanged here some time in April, 1779 (Draper 1954:498).

The jail figured prominently in the Tory-Whig encounter at Ninety Six in 1775, when it was fortified with a swivel gun in each of the four

windows (Drayton 1821:387). It also was a prominent feature during the 1780 seige of the Royal Provincial held town of Ninety Six by General Nathaniel Greene of the American army, when it was fortified (MacKenzie 1787:143). Archeological work on the site has revealed a brick filled cellar and a bastion-shaped fortification ditch around the exposed western side of the jail site (Figure 3). The site of the jail was determined through a study of the maps, the earliest of which is based on data dating as early as the 1770's (Figure 2).

The Courthouse at Ninety Six

The courthouse was built of wood, probably weatherboarded, and was mentioned in 1780 during the fortification of the town of Ninety Six by Lt. Col. John Harris Cruger:

I have palisaded ye Courthouse & the principal houses in about one hundred yards square, with Block House flankers... (Greenwood County Library, BPRO, Cornwallis Papers, 50/11/2, F220, Cruger to Cornwallis, October 13, 1780. Hereinafter cited as GCL).

Another witness says:

Colonel Cruger has enclosed the Court House & some other Houses that joined it within a square stockade, flanked by Blockhouses (GCL, BPRO, Cornwallis Papers, 30/11/2, F307, October 29, 1780).

From these references we learn that the courthouse and houses joining it were palisaded inside a square stockade by Cruger in 1780, but there is no mention of the jail being so stockaded. Archeological work on the site is beginning to locate the palisade ditches, fortification ditches, firing wall ditches built under the direction of Cruger, and later, in December 1780 and the early months of 1781, under orders from Lt. Henry Haldane, Aid de Camp to General Cornwallis (MacKenzie 1787:143); (Figure 3).

In addition to the above references to the courthouse, we learn that it was used as a barracks during the occupation of the town by the Royal Provincials under Cruger.

...the court house is an excellent Barrack in the center of the village sufficient for two hundred men... (SCA, Cornwallis Papers, Balfour to Cornwallis, June 24, 1780:193).

The courthouse was constructed of wood, and very likely did not have a cellar. The area of the site where the courthouse might be expected to be found has experienced considerable erosion, so the footings on which it sat were likely destroyed by the plow long ago, thus leaving few if any clues to its location. However, dwelling houses in the area may have had cellar storage areas, and if enough of these are found, perhaps the probable position of the courthouse can be determined through the absence of a cellar. More specific conjecture as to the courthouse location, therefore, must await extensive archeology on the site.

The Village of Ninety Six - The Maps

As we have seen, the village of Ninety Six began sometime after 1767, on ten acres of land set aside for the purpose by John Savage who purchased a 400 acre tract at that time (SCA, Charleston Deeds, G-5:376; P-4:461, 467, Sept. 9, 1776; I-3:11-17, June 21, 1767). By 1775 the courthouse and jail were built in the village (SCA, JCHA, XXXIX:200, Feb. 14, 1775). A map of the town, supposedly drawn from records of William Henry Drayton, dating from the period of 1775, reveals the location of "96 Court House," "Brick Gaol," and illustrates two small structures, apparently representing the town of Ninety Six (Drayton 1821:389); (Figure 2). If this map is to be considered literally correct, we see only the courthouse and jail plus two houses in Ninety Six in 1775 (Figure 2).

Figure 2

Maps of Ninety Six, Illustrating the Evolution from
1822. See bibliography for the source of the maps.

However, by 1780, when Lt. Allaire saw the town, he reported that it was a village or country town containing about 12 houses, with the courthouse and jail (Draper 1954:498). William Johnson's map of the town, published in 1822, reveals 12 houses and one small outbuilding, besides the courthouse and jail, only four of these being located to the south of the junction of the Charleston Road with the road to Cambridge (Johnson 1822: between 140-41); (Figure 2). Only two of these are shown between the courthouse and the intersection of the roads. On Lossing's map of 1851 there are 15 houses shown, with ten of these located south of the junction of the Charleston Road with the road to Cambridge, over twice as many as shown by Johnson in 1821. Also, there are now five houses illustrated as being between the courthouse and the intersection of the roads, instead of only two (Lossing 1851:691); (Figure 2). This difference may indicate that between the time of publication of Johnson's map and the publication of Lossing's version, corrections were made by those who had known the town at the time of the Revolution, and a more proper relationship of buildings was attempted. It is interesting to note, besides the difference in the relationship of the houses to the courthouse, that two structures shown on the Cambridge Road on the 1822 map are not present on the 1851 map. A map of Ninety Six, published in 1902 by McCrady, shows 11 houses and an outbuilding, revealing in their positioning, an origin in the 1822 map of Johnson (McCrady 1902:279). In 1909 a new version of the map was published, showing 12 houses, with the added feature of a seven pointed star fort within a zig-zag abatis, not shown on earlier versions of the map (Avery 1909:294). In 1958 Henry Steele Commager and Richard B. Morris used this 1909 improved version of the map as an

illustration in their book (Commager and Morris 1958:1180); (Figure 2).

In order to answer the question as to which map is the most accurate, we naturally turn to the earlier versions. We know from the archeology on the site that the 1822 Johnson map is considerably out of scale as far as the size of the palisade line around the town is concerned, and that the shape of the palisade line, as well as the omission of the proper seven points plus entranceway on the Star Fort, indicates that this earliest map was apparently made from memory. This is obvious when we compare the map with the actual position of the archeological features thus far recovered on the site (Figure 5). This error in scale may have resulted in later authors attempting to correct this mistake through re-positioning of the buildings shown as being inside the town. In dealing with a map for Ninety Six for general purposes of interpretation, we like to use the evolved Commager and Morris version of 1958, based on the 1909 Avery map (Figure 2). The reason for this is the fact that the proper shape of the Star Fort is shown. However, for determination of how many houses were located in Ninety Six at the time of the Revolution and what their relationship was to the courthouse and jail, we must await detailed archeology on the site. The jail site has been located, as well as specific fortification ditches and palisade lines, but specific information on the positioning of houses and outbuildings, privies, and other features, is yet to be discovered (Figure 5).

From the series of maps shown in Figure 2, we see that, with the exception of the 1821 Drayton map that may or may not represent the site of Ninety Six in 1775, all the maps are based on the 1822 Johnson map (Drayton 1821:389; Johnson 1822:140-41). As has been pointed out

previously, the archeology on the site has revealed that this map is obviously based on memory and verbal descriptions. There should have been a map of Ninety Six made by the British during their occupation of the area, but such a map has yet to be discovered. Besides the difference between the placement and number of houses shown on the 1822 and 1851 maps already mentioned, there are other changes of interest that occurred as the documents and maps were examined by various historians during the past 170 years.

The 1851 Lossing Map

1. Dots were added around the line enclosing the town, apparently in attempt to imply or represent palisades.
2. The 19 points on the Star Redoubt are reduced to ten.
3. The contour lines forming a double circle around the Star Redoubt on the 1822 map are reduced to a single solid circle.

The 1902 McCrady Map

1. The 19 points on the Star Redoubt are increased to 20.
2. This is basically a better copy of the 1822 map that was the 1851 map.

The 1909 Avery Map

1. The points on the Star Redoubt are reduced to the correct seven in number, a point any of the previous map makers could have seen had they observed the Star Fort and counted the points. The eighth point, which produces the symmetry, is an open entrance into the star.
2. "Old Jail" on the earlier maps was changed by Avery to read "Jail, fortified"; "The besieging encampments" is changed to read "American Camps"; "The Lines enclosing the Town" is changed to "Stockade", and then two entirely new features are designated. These are "Covered way from Stockade to Fort", and "Abatis". These changes were based on verbal descriptions in documents of the era. The abatis designation new refers to the many pointed star around the seven pointed star of the Star Redoubt.

3. The zig-zag, original many-pointed star, now symbolizing abatis, is continued around the entire area of the town, based on references that this was the case. Archeology, however, has revealed more evidence for the straight ditches representing palisades than evidence for abatis.
4. The covered way is given an added treatment in this map by Avery, by having parallel lines crossing the two long lines representing the covered way on the earlier map. We get the impression by this treatment that Avery thought the "covered way" had reference to a literal covering of some sort, which he has attempted to indicate by the short parallel lines. A covered way, of course, has reference to a ditch with an embankment on each side to provide protective cover for those moving from one place to another inside the ditch.
5. The mine, shown until this time as a "D" shaped symbol, is here changed to a circle with a cross through it.

The 1958 Commager and Morris Map

1. On this map we see the mid-twentieth century stylization of the Ninety Six map of 1822 at its ultimate development. The map is closely based on Avery's 1909 map and is an excellent means of generally representing the features at the Ninety Six Site, incorporating as it does, documentary details not present on the earlier 1822 map, and thus is more in keeping with the verbal descriptions, as well as the appearance of the Star Redoubt itself. As good as it is, however, it is still a far cry from the actual plan of the fortifications as they are now being revealed through archeology, as can be seen by studying the various figures illustrating the actual specific location of ditches and palisades.

Specific differences discovered through archeology so far are:

1. The east line of the fortification does not extend in a straight line from the Charleston Road to the Star Redoubt as is shown on all the maps since the original 1822 version. Rather, it parallels the Charleston Road just back of the row of houses along the east side of that road, then opposite the intersection it angles toward the Star Redoubt.
2. An early palisade, probably Cruger's of 1780, has been found to enclose an area around the houses only, with the outer palisade shown on the maps representing what is thought to be an outer defense ordered by Lt. Haldane when he visited the site in December 1780 (MacKenzie 1787:143); (Figure 3).
3. The fort symbol for the "Stockade Fort" of the 1822 map, having four corner bastions or blockhouses, is now known to be a symbol

and not a representation of the actual appearance of the fort. The fort, a two bastioned hornwork represented by a fortification ditch and firing wall ditches, has been found at the site of the fort, known at the time of its capture by "Light Horse Harry Lee" in 1781, as "Holmes' Fort" (Mackenzie 1787:155; Seymour 1910:28); (see Figure 4 for drawing of Holmes' Fort).

4. Blockhouses are known from the documents to have been flanking the palisade at Ninety Six, but no indication of these was attempted on the 1822 map. Holmes' Fort is known to have had two blockhouses inside of it. A cellar hole has been found just north of the intersection of the roads in Ninety Six, surrounded by large fortification ditches, palisade ditches, and firing wall ditches, all pointing to this cellar as a magazine or blockhouse site (see Figure 3 for map of the work done in this area).

These differences, already discovered, between what was actually at Ninety Six, and the picture we get from the documents and the 1822 map alone, are sufficient to reveal that the 1822 map, and subsequently all those maps based on it, are only generally accurate, for that map was created from memory some 40 years after the features it attempts to illustrate were totally or partially destroyed, intentionally, by Cruger and through the erosion of time. Hopefully, the series of maps now being drawn from archeological evidence will lay a new foundation of understanding of the site of Ninety Six for the use of future historians, whom it is hoped, will no longer be forced to copy, and add to, the 1822 map of Johnson for their illustration of the site on which such significant historic events took place.

Bibliography - Chapter 7

Abbreviations Used:

- AGA Acts of the General Assembly
BPRO British Public Records Office
GCL Greenwood County Library
JCHA Journal of Commons House of Assembly
SCA South Carolina Archives
SCG South Carolina Gazette

References:

Alden, John R.

- 1944 John Stuart and the Southern Colonial Frontier. Ann Arbor, Michigan.

Avery, Elroy McKendree

- 1909 A History of the United States and its People. The Burrows Brothers Co., Cleveland.

Clark, Walter (Editor)

- 1904 The State Records of North Carolina. Greensboro.

Commager, Henry Steele and Richard B. Morris

- 1958 The Spirit of 'Seventy-Six. The Bobbs-Merrill Company, Inc., New York.

Draper, Lyman C.

- 1881 King's Mountain and its Heroes: History of the Battle of King's Mountain, October 7th, 1780, and the Events which Led to it. P. G. Thompson, Cincinnati.

Drayton, John

- 1821 Memoirs of the American Revolution. A. E. Miller, Charleston, S. C.

Johnson, William

- 1822 Sketches of the Life and Correspondence of Nathanael Greene. A. E. Miller, Charleston, S. C.

Lossing, B. J.

1851 The Pictorial Field Book of the Revolutionary War. Harper & Brothers, New York.

MacKenzie, Roderick

1787 Strictures on Lt. Col. Tarleton's History of the Campaigns of 1780 and 1781, in the Southern Provinces of North America. R. Faulder, London.

McCrary, Edward

1902 The History of South Carolina in the Revolution, 1780-1783. Macmillian & Co., Ltd., London.

Meriwether, Robert L.

1940 The Expansion of South Carolina, 1729-1765. Southern Publishers, Inc., Kingsport, Tennessee.

Seymour, William

1910 A Journal of the Southern Expedition, 1780-1783. Historical and Biographical Papers of the Historical Society of Delaware, Wilmington.

Research Sources:

Greenwood County Library

British Public Records Office, Cornwallis Papers.

South Carolina Archives

Acts of the General Assembly. Found under Public Record Office, 1 reel microfilm.

Charleston Deeds, 1719-1800. 21 boxes, 714 reels.

Confiscated Estates, 1780-1790. Under Legislative Acts.

Cornwallis Papers, c.1778-1784. 1 box, 4 reels.

Journal of the Commons House of Assembly, 1692-1775. 40 vols.

Records in the British Public Records Office Relating to South Carolina, 1663-1782. Copies of, bound in 36 vols. as Public Records of South Carolina.

South Carolina Gazette, 1731-1775.