THOMAS USHER PULASKI CHARLTON

1779-1835

By;
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History 300
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Thomas Usher Pulaski Charlton was a man highly regarded in all the aspects of his life. He left behind him "... a spotless record, both in his private life and in his public service, and was recognized by his generation as a man of the most eminent ability and devoted patriotism."¹ Charlton possessed a decided literary ability as well as a high order of wit. He was regarded as a man with great social qualities, generosity, and benevolence to man. His colleagues believed him to be upright, impartial, and possessing dignity in his conduct at all times.

Thomas U. P. Charlton was born in Camden, South Carolina in November of 1779. His father, Thomas Charlton, was a native of Maryland, and his mother, Lucy Kenan Charlton, was a native of North Carolina. On the paternal side the family came to America from Shropshire, England, and "... is said to have been a branch of the Northumberland county family of the same name. It first settled in Maryland, and members of the family were quite prominent in that colony, one member notably, having been appointed by the Governor of Maryland to hold the Mason and Dixon's line against Pennsylvania."² Thomas Charlton, father of T. U. P. Charlton and eldest son of Arthur Charlton, was a physician who joined the Revolutionary Army and served as a surgeon and a lieutenant of the line. After his retirement from the service, Thomas Charlton served as a member of the Legislature of South Carolina. After the elder Charlton died, Lucy Charlton moved her family to Savannah, Georgia in 1791. It was in this city that T. U. P. Charlton was raised and educated.

Like his father before him, Thomas Usher Pulaski Charlton
was devoted to serving the public. In 1800, at the young age of twenty-one, Charlton was admitted to the Bar of the state of Georgia. In the same year he became a member of Georgia's State Legislature. At the age of twenty-five, in 1804, he was chosen as the Attorney General of Georgia. In 1808, Charlton was appointed as the Judge of the Eastern Circuit. Again in 1808 he published a life of the "distinguished soldier and statesman" and dear friend, Major General James Jackson.

This book was designed to cover the period of Jackson's military services. Charlton only completed half of the two-part volume biography on Jackson for some reason that is still unknown. Charlton inherited a great many of Jackson's enemies on the event of Jackson's death. When Charlton delivered the eulogy on his dear friend, he noted with pleasure the appearance of these enemies. However, he was "... apprehensive of awakening feelings, which ought to slumber on this occasion,..."  

Beginning on September 6, 1811 through to April 24, 1815, Charlton served as an Alderman to the City Council of Savannah. On April 24, 1815, when Mayor Matthew McAllister resigned, Thomas Usher Pulaski Charlton proceeded to be elected Mayor of Savannah by the City Council. He served two more consecutive terms from September 11, 1815 through September 8, 1817. Charlton once again served as an Alderman from September 14, 1818 to July 12, 1819. He again served as Mayor of Savannah from July 12, 1819, when Mayor James H. Wayne resigned and Charlton was unanimously elected, until February 28, 1821 when he resigned his post. Minutes from the City Council on February 28, 1821 state that,
"... Thomas U. P. Charlton Esq., having sent to Council his resignation as Mayor and Member of this Board, in consequence of his appointment as Judge of the Eastern Circuit, the same was accepted and thereupon it was, Resolved that this Board feel a sensible regret at this resignation and parting with a Gentleman who has had the confidence of Council and so justly deserved it for his devotion and services to this City=Resolved that the Letter of resignation and this resolution be published."\(^4\)

In 1812 Charlton served as the chairman of the Committee of Public Safety during the duration of the War of 1812. During the chloretic epidemic that swept the nation in 1820, the City Council "... unanimously tendered him 'their thanks for his manly, sympathetic and generous conduct during the malignant disease which afflicted our devoted city during the past season.'"\(^5\)

Up to this time Charlton had received no salary as Mayor. On December 6, 1820 "...on the motion of Alderman Harris, it was resolved that the sum of $1,500 should be paid to a committee composed of Aldermen Brown, White, and Sheftall, out of any money in the treasury not otherwise appropriated, and that this committee should present the amount to Mayor Charlton 'and request him to accept the same with the assurances of the sincere regard of Council and their full and entire approbation of his conduct.'"\(^6\)

And in 1825 Charlton served on the committee which compiled the statutes of Georgia and in the same year, served as the Grand Master of the state of Georgia. On December 14, 1835,
Thomas Usher Pulaski Charlton died at the age of fifty-six.

As well as being politically active, T. U. P. Charlton was also considered a family man. His first marriage was in 1803 to Emily Walter, daughter of Thomas Walter of South Carolina and author of *Flora Caroliniana*: the first considerable work on southern botany. His children were all born of this marriage and but two arrived at years of maturity, Robert Milledge and Thomas Jackson. Robert Milledge followed in his father's footsteps by becoming a lawyer and a judge. Thomas Jackson became prominent in his own right by becoming a doctor, unfortunately he died at the early age of twenty-eight. Charlton's second marriage was to Ellen Glasco.

**SLAVERY**

During the pre-Civil War period the South continuously defended the issue of slavery. Most, if not all, southern plantation owners and many other prominent men owned slaves. Thomas Charlton was among these men. According to the 1830 census of Georgia, Charlton had five "non-free" persons; 1 male 10 to 24 years, 1 male 36 to 56 years, 1 female under 10, 1 female 10 to 24 years, and 1 female 24 to 36 years. Evidence has been found to indicate the purchase of some negroes by Charlton. In a letter, the identity to whom it was written unknown, Charlton requests that "... you may probably have in your (possession) a writ or deed through which she (his wife) derives her title (and if so being) will you be obliging as to send it to me, if the application to me meets your (approval)." This letter was dated April 14, 1811. In another letter, addressed to Senator Edward Telfair
on November 16, 1806, Charlton explained a potentially dangerous situation which had erupted previously in Savannah and involving negroes. The letter stated that "... our citizens were greatly agitated, and it required a very small momentum to impel them to almost any extremities." Their agitation came from the postponement of the execution of the negroes who had been convicted of having "insurrectional designs". The postponement was due to an order directing it under a provisory clause of the Eighth section of the act. "That section declares that the sentence shall not be carried into effect until the pleasure of the governor be known—until that pleasure was known it was Mr. Stephens' opinion that the sentence might from time be post-poned by the justices—but that the execution might take place as anytime beyond the period limited by the sentence." Upon further investigation of the matter Charlton presented his opinion to the justices; stating that "... the silence of the Executor amounted to an indirect communication of its pleasure—and that therefore the sentence ought to be immediately carried into effect." The order was obeyed by the officers, however. the people's "... resentment and dissatisfaction was violent and tumultuous. Judge Stephens was the principal object at which its force was directed. He was insulted to his face in the street ..." Charlton believed that the general opinion was that the convicted negroes had laid deep plans of murder and that the citizens have been particularly fortunate in securing the leaders.

Another issue of slavery, negroes, or free blacks was debated by Judge Charlton. Printed in "The Georgian" on July 25, 1822, was
Charlton's decision in the case involving the effects on private emancipation concerning William Spencer v. Negroes Amy and Thomas. "The question in this case is, whether the will of the elder Spencer, directing the manumission of these slaves, and the deeds of the heirs carrying the wishes of the testator into effect, dated October 25, 1808, subjects them to the order, and sale of the Justices of the Inferior Court of Effingham County, under the power delegated to the magistrates by the Act of 1818."12

Charlton had already decided that the slaves were to "... all intents and purposes as much in a state of slavery as before he was manumitted and set free by the party so offending...."13 Charlton stated that "... I am of opinion then that under the operation of the Act of 1801, these slaves remained the property of Mr. Spencer, notwithstanding the directions of his will, and subsequent instrument of manumission. And they must now be considered the property of that state...."14 Judge Charlton remanded the case to the Inferior Court and instructed it to obain in relation to the slaves from any other proceedings.

JUDGE

As a judge, Thomas Charlton was proclaimed to be fair and impartial and even compassionate in his rulings. In a case involving the Insolvent Laws of Georgia, Charlton portrayed this image. The Insolvent system was intended to restore the blessings of liberty (an honest man) imprisoned for debts he could not pay, but was willing with integrity and fairness to deliver up all his property for the benefit of his creditors. Charlton
stated that "...the Benevolence of this system, and I may say, its personal regard for personal liberty, when associated with abstract probity and misfortune, take from the power of evil imprisonment, many of these objections, which otherwise could find no apology in any sound creed of philosophy, or of politics. Placing the Insolvent Laws in this point of view, I have ever felt it my duty, as one of the Judges of this Republic to give it in every case, that charitable interpretation which was best calculated, to carry the intention of the Legislature into effect and that intention is, to protect with all legal expedients the fair and honest debtor--to leave a fraudulent one, at the mercy of his creditors." This case was in the matter of F. W. Hail Corp., whose imputation of fraud had been repelled and was considered a legally certified insolvent debtor. However, he was arrested for debt due or contrasted previous to his application for the benefits of the Insolvent Laws. Hail's creditors denied being notified, in terms of the law, of the application for benefit of Insolvent Laws. Charlton's decision was to be on the question of the debt due or a contrast between W. and B. (the creditors) at the period of Hail's discharge under the Insolvent Laws. It was revealed that B. and W. were sureties at the custom house and not creditors. Neither could they have said to have entered in to a contract with him. Charlton stated that the debt was between Hail, as principal, B. and W. as sureties, and the United States. Charlton used Ashhurst Bullen Justices' Quote on a similar case to clarify the issue; "surety who does not pay the debt of his principal till AFTER his bankruptcy, may
hold the principal to bail, notwithstanding his certificate." Judge Charlton then rendered his decision, stating "... my opinion is, and I sincerely regret the operation under the present case,--that I cannot (under any construction which my feelings prompt me to give in favor of personal liberty) declare this imprisonment illegal." It was then ordered that the defendant be remanded to the custody of the Sheriff. Charlton believed that imprisonment for debt was inconsistent with the genius of our government.

MAYOR

As stated earlier, Charlton was considered to have dignified conduct, impartiality, and generosity. These attributes were carried over into his mayoralty. When Thomas Charlton resigned as Mayor on February 28, 1821 the Council "... adopted a resolution that it felt a sense of regret at this resignation and parting with a gentleman who has had the confidence of Council and so justly deserved for his devotion and services to the city." Charlton was just as well as being strict in his decisions. He often passed ordinances with high fines for those who did not follow them. Some of these fines were to be evenly split between the city and the informer (if there was one). Three such ordinances have been found in "The Columbian Museum and Savannah Daily Gazette". On April 21, 1817 an ordinance to impose an additional tax on persons and property in Savannah. This tax was rendered necessary to pay for appropriation of the rents of the city lots for the term of ten years... Sectio 1 stated that from and after the passing of the ordinance, "... 25 per-
centum shall be added, and is hereby imposed on persons and property now subject to taxation and assessment, and to be collected and recovered as required by the ordinance for collection of the principal tax."\textsuperscript{19} Section 2 further stated that "every itinerant and transient" merchant or seller of goods, wares, or merchandise or purchasing and selling on commission, "...shall obtain a license therefor under the seal of the city, and pay to the treasurer the sum of one-hundred dollars..."\textsuperscript{20} It went on to say that if one sold or purchased such goods without obtaining a license, then there will be a fine in a sum not less than twenty dollars a day for every day without a license.

Another ordinance, entitled to regulate Weights and Measures in Savannah, was passed on July 19, 1817. This ordinance declared that it shall be the duty of the Mayor to establish the standard Weights and Measures to be used in Savannah and after notification, to distribute the Weights and Measures upon application to him at the Police Office. It was further ordained that it shall be the duty of the marshals and other officers of Savannah to enforce said Weights and Measures. It was also their duty to inform against any person or persons using other weights and measures. When this was found to happen, the person or persons shall, when convicted before Council, pay a fine not exceeding thirty dollars; one half to be given to the informer or informers and the other half to be of the use of the city.

The third ordinance was passed on July 29, 1817. This ordinance amended an ordinance for regulating the public markets in Savannah, as well as appointed commissioners to superintend them.
The ordinance ordained that it was the duty of the Mayor, an Aldermen, the city Marshal, or any other city constable to inform against any butcher or other person or persons selling or offering unwholesome meats in the markets or streets of Savannah. These meats were then to be destroyed and a summons was to be ordered for the person or persons so offending to appear before the Council to answer against the complaint against them. If the said person or persons were convicted, then they were to pay a fine not exceeding thirty dollars; one-half for the use of the city and the other half to go the marshal or city constable who had been the informer.

Thomas Usher Pulaski Charlton died on December 13, 1835. Eight days later, in "The Daily Georgian", his death and burial were printed. He was buried on December 21, 1835 in Laurel Grove Cemetery. Every respect was paid to him as his remains were attended to the grave by a large entourage of his fellow citizens of the Judiciary, the members of the Bar, the Corporation of the City, the Hibernian Society, and the Chatham Artillery of which corps, he was an honourary member.
The Charlton Family Burial Plot

Laurel Grove Cemetery

Savannah, Georgia
Charlton's son,
Robert Milledge.

Charlton's grandson and Robert's son, Walter Glasco Charlton.
FOOTNOTES


2 Ibid, p.298.


4 Minutes of the City Council 1820-1828


6 Ibid, p.130

7 Personal letter, dated April 14, 1811. Savannah, Georgia.


9 Ibid, p.2.

10 Ibid, p.2.

11 Ibid, p.3.


13 Ibid, p.2, column 33

14 Ibid, p.2, column 3


BIBLIOGRAPHY

Alexander Telfair Papers 1807-1822

Charlton Family Papers, Collection #1

Charlton Family Papers, Collection #2

Edward Telfair Papers 1802-1807


The Columbian Museum and Savannah Daily Gazette.

The Georgian

Wayne--Stites--Anderson Papers
On demand I promise to pay to the order of any person to whom this sum of $150 may be paid, and for value received.

[Signature]

[Note: Date and place of writing are not clearly legible due to aging and deterioration of the document.]

[Signature]

[Note: Additional signatures or dates are not clearly legible due to aging and deterioration of the document.]
Received by the Grantee of Wm. Thomas Mann, two hundred dollars paid by Henry Page Esq.receipted as my am'r. also further settling the amount of worthy in the case of Jno. Williams late his execs of said James Williams for the distribution of.

Wm. R. "Charlton
 Solicitor
June 25, 1856
Wednesday 25th February 1821

Council Met. Present to Adjournment

Present: Aldermen Cope, Chairman

" Park " Lewis
" Brown " Henry
" Waring " Morris-Jop
" Hays & Southall " D. Lyon
" Morel " Herbert

The Return of the Commissioners appointed to hold an Election for the purpose of ascertaining the opinions of the Citizens in relation to the continuance or abandonment of Dry Culture, being laid before Council, it appeared 279 votes for Dry Culture, 216 for Wet Culture.

An Ordinance

To be entitled an Ordinance to amend an Ordinance for preventing as much as may be Accidents which may happen by Fire in the City of Savannah. For securing the Fire Engines in said City, and for rendering the same useful in case of Fire and for other Purposes thereto intended, was read the first time and being deemed a case of emergency, was read a second time and passed under the title thereof.

Whereas the Votes of the Resident Citizens taken at the Board of Alders on the subject of Dry Culture and Wet, have been in favor of a continuance of the Dry Culture System.

On Motion of Alderman Brown, Resolved, that the Agent of Dry Culture be instructed to examine particularly all the Lands contracted for by this Corporation, and Report to the Board of Commissioners of Dry Culture without delay the present condition of the said Lands, and that a Copy of this Resolution be sent to the Agent.
Thomas W. P. Charleston Co., having sent to Council his resignation as Alderman and Member of this Board, in consequence of his appointment as Judge of the Eastern Circuit, the same was accepted, and that upon it was. Resolved that this Board feel a sense of the regret at the resignation and parting with a Gentleman who has had the confidence of Council and so justly deserved it for his devotion and service to the City. Resolved that the Letter of resignation and this resolution be published.

Ordered that an Election for Alderman take place in consequence of the vacancy occasioned by the Resignation of Thomas W. P. Charleston Co., on the Second Monday in March, and that the Ward and City Officers attend the same.

On Motion of Alderman Henry

Council proceeded to the Election of a Alderman, when James Milner Co. was elected, and indentured into office by the Chair.
city as a reward [3] for services rendered. This property is subject to ground rent of $100.00 per year and conveyed by the corporation of said city upon terms and conditions as will fully appear by reference to the deed of conveyance. The city will hold and maintain the same for the benefit of the corporation, and no part of the property will be sold or disposed of without the city's consent. The corporation will maintain the public buildings and grounds, and the city will be responsible for all damages. The city will pay all taxes on the property and will be liable for any injury to the property. The corporation will have the right to use the property for public purposes, and the city will have the right to enter upon the property at any time for the purpose of inspecting the property. The corporation will be responsible for the care and maintenance of the property, and the city will have the right to enter upon the property at any time for the purpose of inspecting the property. The corporation will be responsible for the care and maintenance of the property, and the city will have the right to enter upon the property at any time for the purpose of inspecting the property. The corporation will be responsible for the care and maintenance of the property, and the city will have the right to enter upon the property at any time for the purpose of inspecting the property.
Roger Ascham, County. Personally appeared Thomas W. Breakridge, the subscriber,copies that he was present at the execution of the within instrument and signed the same jointly.

Thomas W. Breakridge, 1832.

This indenture, made the 1st day of May, in the year of our Lord MDCCCLXXII, by Thomas W. Breakridge, of the City of Augusta, Merchant, of the first part, and Thomas J. Charlton, of the City of Savannah, Counceller, of the second part, for

Know all Men by these Presents, that the said Thomas W. Breakridge, of the City of Augusta, Merchant, does hereby grant, and confirm, and by these presents doth grant, transfer, assign, and confirm to the said Thomas J. Charlton, the aforesaid property for the sum of five hundred dollars to him in hand paid by the said Thomas J. Charlton, at or before the subscribing and delivery of this indenture.

The said property is hereby acknowledged, and does consist of and from one thousand acres of land, viz: the land bounded on the north by the land of John Smith, on the east by the land of John Morgan, on the south by the land of Thomas J. Charlton, and on the west by the land of John Smith.

In witness whereof the said Thomas W. Breakridge, has hereunto set his hand and seal this 1st day of May, in the year of our Lord, MDCCCLXXII.

Thomas W. Breakridge.

Thos. J. Charlton, Esq.
James Bowie

Personally appeared Thomas Barger who being duly sworn stated and declared by James Bowie that he did present to said Joseph Edmonston the above instrument of writing duly signed and acknowledged by James Edmonston and that he the deponent signed the same as a witness.

Swein to appear the 22d Oct. 1825

William Edmonston 1st by Ellis Hobbs

Received 22d Oct. 1825

[Signature]
new by these presents that I Thomas W. Charlton of the City of Savannah
consideration of the sum of One hundred and fifty dollars to me in
hand before the sealing and delivery of these presents by John Knows
in the receipt whereof I do hereby acknowledge, have bargained, sold,
pawns or bargain and sell and deliver unto the said John Knows
the said building here referred to about forty three years of age To have
the said sum of one hundred and fifty dollars being the said John Knows
by executors or assigns to his use on their only proper use and disposal premis
above set forth my heirs executors and administrators the said
Knows unto the said John Knows his executors administrators and
at all fees or costs the said Knows and forever defend to the
writings whereof I have heretofore signed my hand and seal dated at
the 4th day of August in the year of our Lord one thousand eight
and eighty two, and in the 4th year of the Independence of the United
States be delivered in the presence of
The W. W. Charlton (W)

June 20th 1882.

As is of agreement made between George D. Neider one of the Executors
of David Cleve-lott of Chatham County demand of Thomas Willow
House Carpenter of the other part the said George D. Neider agree
thereby leased to the said Thomas Willow all that part of lot number
numbering Reynolds Ward in the City of Savannah containing one forty
acre with the appurtenances containing forty five feet on both
One corner on Bryan Street belonging to the Estate of the said
David Cleve-lott and unto the said part and term of Ten year
since the first day of January in the present year of our
Begins Eight hundred thirteen and four from thence to be completed
Our continuation where the said Thomas Willow with thirty
to the said George D. Neider for the sum of the said estate fived
dollars annually and at the expiration of each year
the term of years and it is hereby agreed between the parties
that at the expiration of the term of years the said Thomas
shall allow the Buildings which may then be
the said piece of ground where his building to the representation
of the said David Cleve-lott the sum of thirty dollars as value of
being the estimated value of the old building to be paid
January 1873 which was standing on the said piece of ground.