NATHANIEL PENDLETON 1756-1821

FIRST UNITED STATES DISTRICT JUDGE

FOR THE

STATE OF GEORGIA

[ Savannah Biographies: an unedited collection... V. 18
  Lane Library, Armstrong Atlantic State Univ.
  Savannah, Ga. ]

Wensley H. Hobby
History 300
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SUMMARY

Nathaniel Pendleton was born in Culpepper County, Virginia on October 27, 1756 and was a descendant of an Englishman named Phillip Pendleton, who came to Virginia in 1674. Pendleton served with distinction in the Continental Army from 1775 to 1783, attaining the rank of major as an aide-de-camp to General Nathaniel Greene. Pendleton settled in Savannah, Georgia in 1785 and began the practice of law. While in Georgia, he held notable public offices, that culminated in the honor of being chosen by President Washington to be the first United States District Judge for the State of Georgia. In 1796, when his name became associated with the Yazoo Land Fraud, Pendleton left the state to reside in New York. There, he was a member of the bar and judiciary and was a law partner of Alexander Hamilton. In the fatal Burr-Hamilton duel, Pendleton served as Alexander Hamilton's second. Judge Pendleton resided at his home in Hyde Park, New York until his death in 1821. He was survived by several children and his grandson, George Hunt Pendleton ran on the presidential ticket with McClellan, in 1864, against Lincoln.
Nathaniel Pendleton was a man for all seasons. He was a patriot, an entrepreneur, a jurist, a friend and confidant to the famous, and a beloved husband and father. In each of these roles, he played a historically significant part.

On October 21, 1756, Nathaniel was born in Culpepper County, Virginia, the son of Nathaniel and Elizabeth (Clayton) Pendleton.¹ His father's brother was the illustrious Virginia patriot and statesman, Edmund Pendleton, who signed the Declaration of Independence.²

The Pendleton family descended from Phillip Pendleton, who came to Virginia, in 1674, with his brother, Nathaniel. The young men, whose father was Henry Pendleton of Norwich, England, came as indentured servants to Captain Edmund Crask.³ Both were educated, as Nathaniel was a minister and Phillip was a teacher.⁴ Nathaniel died shortly after their arrival, but Phillip fulfilled his period of indenture in 1679 and then salied to England for a brief sojourn. He returned to Virginia the same year and married Isabella Hurt.⁵ Their son, Henry, married Mary Taylor and their children, in turn, were Edmund and Nathaniel, Sr., who are mentioned above.⁶

Little is known of Pendleton's formative years in Virginia, but at the age of nineteen, he joined the Culpepper minute men, along with his brother, Henry.⁷ His own account of his long and dedicated service to the Continental Army states;
INFORM the public, That the bridges and
causeway leading to the ferry there are now
mended, as well as they could be at this time, and
that they have procured a flat, which is under the
direction of John Grubb, living there; so that all
persons may now pass with convenience. The
owner is sorry the situation of the place, and of the
times, render it necessary for the present to make
the rates of ferriage a little higher than before the
war. Mr. Grubb has express direction to keep no
ferry books.

RUN AWAY from the said ferry, a
NEGRO FELLOW, named TOM, belonging
to the estate of Peter Burd, Esq. deceased. He
is a young fellow, tall and plump, and lets his
beard grow, which is short and thin. He has a
wife or two in or near Savannah, where it is prob-
able he lurks. Whoever secures him, so that he
is delivered to me, shall receive five guineas re-
ward. NATHANIEL PINDLETON, Esq.

LOST, last night, on the road going to Thun-
derbolt, betwixt the house of Mr. John
Lowry and the house of Mr. William Lyon:

A SILVER WATCH,

made by James Wield, French-street, Soho, Lon-
don. Whoever will bring the same watch to John
Matthews, Painter, will receive thirty dollars re-
ward. Savannah, 12th August, 1784.

WANTED,

AN OVERSEER who perfectly understands
the Sawing and Shingle Business. He must
be well recommended for his sobriety, attention,
and knowledge of his business. Apply to Mr.
I entered into the Company of Captain Stevenson of Berkeley County, Virginia, in the month of June, 1775, and sent with that Company of Riflemen to Boston where we arrived in August following. I continued in the service and was appointed Lieutenant in a Company of Riflemen, Commanded by Captain Long, in Colonel Stevenson's Regiment of Riflemen, which Company was raised in Virginia, and I was taken prisoner by the Enemy at the surrender of Fort Washington, and was made a Captain in the Continental Line, March 1777, and immediately upon being exchanged I became an Aid de Camp to General Greene, in which capacity I served and received pay until November, 1783, when the Army was disbanded, which made the whole period of my service in the Revolutionary Army Eight years and five months.

Signed: Nath. Pendleton
New York, Dec 10, 1807

For his gallantry at the Battle of Eutaw Springs, South Carolina, he was commended by General Nathaniel Greene and received a Congressional citation.9

Major Pendleton had begun studying law in Virginia before the war under the tutelage of a Colonel Johnson. He studied further, during the years that he was a prisoner of the British in New York and he concluded his studies under General Pinkney at Charleston, after the war.10 His brother, Henry was a lawyer and had established himself at Charleston.11

It was through Pendleton's service in the Southern Army, under General Greene, that he became acquainted with coastal Georgia and that led to his selecting Savannah for his home in 1785. Georgia, the last of the original thirteen colonies settled by the British, was still a frontier and the young and ambitious Pendleton must have considered it a place of great
All persons indebted to John McCluer, Esq., deceased, are desired to discharge the same immediately, and those to whom he may be indebted are desired to bring in their accounts properly attested, to — JOHN MCLEOD, Admr.
Savannah, 21st Sept. 1789.

SAVANNAH, September 22.

On account of the indisposition of one of the gentlemen, the TRAGEDY of the ORPHAN, &c., is postponed till Tuesday Evening next.

Capt. Robertson, who arrived in this river on Thursday last, in a gale from New Providence, informs, that, on his passage from Baltimore to that island, he was chased the greatest part of a day by a brig and a sloop, which he supposed were pirates, and at Nassau he was told that a yellow-fever ship, with three white men and two negroes on board, had sailed from Abaco, about six weeks ago, on a cruise to the continent.

The ship City of Charleston arrived at Charleston last Saturday from London.

Mr. Read, Major Nathaniel Pendleton, to Mrs. Sarah Hunt, Capt. Charles White to Mrs. Elizabeth Goldwire, widow of Mr. Benjamin Goldwire; and Dr. Read, widow of Mr. Peter London.

The Governor and Lieutenants of the City hired a new ship, on the recommendation of the citizens.

Abdug.

Brewer's Savannah Packet, Dickenson's Charleston
opportunity for business and wealth. He wrote a detailed description of Georgia coastal land and explained the different types of plantations, which could be successfully established there. In the following excerpt, he itemized the cost of a rice plantation located on Georgia tidewater land:

The expense of settling a rice estate may be estimated as follows: Lands sufficient for forty working Negroes are two hundred acres of rice land, and four hundred acres of timber land

3 dils(dollars) pr acre 1800.  
50 Negroes great and small at 125dls 6250.  
Building, Machines & c. 750.  
Casualties and other incidental expenses 620.  
$10,670.

The Negroes are supposed to be bought on the coast of Africa, or they would cost more, perhaps 200 each on an average.

Savannah must have welcomed General Greene's former aide-de-camp warmly, when he was admitted to the bar, in February of 1785. Soon, Pendleton's law practice flourished and his marriage on September 22, 1785, to Miss Susannah Bard, of a prominent New York family furthered his connections. Miss Bard's father was Doctor John Bard, who organized New York City's first medical society and who was, at one time, the personal physician to President Washington.

Pendleton held several important legal positions during this period. He was attorney general for the state and later was state court judge. These positions culminated in his being chosen, by President Washington, to be the first United States District Court Judge for the State of Georgia, in 1789.
On Thursday the...

At the Plantation...

Hereinof, the remaining... Belonging to the...

The conditions will...

GEO. BOWEN, dec'd.

A. S.

SAVANNAH, JANUARY

WILL

WHEREAS, Matthew...

Given under my...

st. croix

WHERAS, David...

executors of the estate...

deceased, have this day made...

of Chatham, deceased, an executor...

TENNESSE.

The following is a copy of a...
Judge Pendleton became well known as an orator in post-Revolutionary circles. One story, attesting to that ability, involved the fiery General Elijah Clark. Due to insufficient evidence, the court had freed a man accused of stealing the General's horse. Clark was unconvinced and, in keeping with his nature, he set out to hang the man, on his own. Judge Pendleton came upon the scene and "gave so eloquent an address in favor of law and order that he succeeded in doing by words what he could not do through officers of the court."  

Pendleton was honored by his peers, when he was chose as a member of the Georgia delegation to the Constitutional Convention in Philadelphia. The Georgia Gazette of February 15, 1787 ran the following item:

Augusta, February 10.
William Few, Abraham Baldwin, William Pierce, George Walton, (the Delegates for this state in Congress for the present year) and William Houstoun and Nathaniel Pendleton, Esqrs. are appointed Deputies to a Convention proposed to be held in the city of Philadelphia in May next, for the purpose of revising the Federal Constitution.

Pendleton did not sign the document and it is doubtful that he attended any of the Philadelphia sessions. There are several reasons that support this belief. At that time, Major Pendleton was the attorney general under Judge George Walton. Walton (who was a delegate, but declined to go), may have kept Pendleton busy with duties in the state. Also, there seems to be little evidence of a personal acquaintance
between Pendleton and Washington. They were fellow Virginians and probably would have become acquainted, had Pendleton been at any of the sessions. And finally, it would seem that Major Pendleton's reputation as an orator would have given him the opportunity to address the Convention and there is no record of his having done so.22

By profession, Judge Pendleton came across many deals. He handled land transactions and slave exchanges on a regular basis. The courthouse records show that Judge Pendleton did not keep property very long; he was obviously a trader.23 In 1793, he acquired from Joseph Clay the 4,000 acre plantation known as San Souci. This plantation was formerly in the estate of William LeCounte and it was located between the Ogeechee and Canoochee Rivers.24 This land would presently be in Bryan and Liberty counties and a part of the Fort Stewart Army reservation. A letter from Pendleton in the Tredell papers, described San Souci and its proximaty to the Creek Nation.25 Pendleton said that he was hopeful that the Indians would not get restless, since they were so very close. He sold the plantation to C. C. Pinckney of South Carolina.26

The Pendleton house was on the south side of Bay Street next to the western corner of Barnard, according to William Hardin, former Librarian of the Georgia Historical Society.27 It is difficult to find a deed in the Grantor/Grantee books, or the Ward books at the courthouse that fits that location.
Site of the House occupied by Major Nathaniel Pendleton, Bay St., Savannah, Ga., from which Gen. Greene was buried.
Susannah Pendleton was bequeathed several lots and houses in Savannah by her brother, Peter Bard, when he died in 1786.28

It was in this home on Bay Street that the Pendleton's were blessed with the births of three sons and a daughter (one other son was born later in New York). Also, when General Greene died of a sunstroke in 1786, this house played an important part. It was where the body laid in state and from where the funeral proceeded to Colonial Cemetery for the burial service.29 Mulberry Grove, the Greene plantation, was about fourteen miles up the Savannah River.

During the period that the Pendleton family resided in Savannah, the State of Georgia had a very liberal land grant policy, for their western public lands. These lands included a great portion of what is now the states of Alabama and Mississippi. Speculators were able to procure much larger grants than the 1,000 acres, which had been the rule for the region of Georgia east of the Oconee River.30

One particular land grant case, that gained national attention, was the Yazoo land fraud. The name Yazoo was derived from the name of the settlement at the junction of the Yazoo and Mississippi Rivers, near the present city of Vicksburg. This land was granted in 1794, by the Georgia legislature, to a group of investment companies, after much pressure and lobbying from interested parties. The measure granted thirty five million acres for the paltry sum of $500,000., or about a cent and a half an acre.31

(6)
A large number of prominent individuals and public officials in Georgia, and in other states, were directly or indirectly involved in this fraudulent scheme. The act was rescinded by the Georgia legislature, after a great public outcry. Nathaniel Pendleton is frequently mentioned, as having used his influence, as a United States District Judge, to have the Yazoo Act passed. Pendleton denied any wrongdoing, but left the state in 1796, under a cloud of controversy. By this action, he escaped the public censure that other individuals faced, for even the slightest participation in this questionable venture.

Perhaps, before Judge Pendleton used his influence, in such a manner, he would have done well to have recalled a charge he made to a South Carolina grand jury in 1787, in which he asked: "Gentlemen of the grand jury—Is this fatal passion for sudden riches, so generally prevalent among us, to extinguish every sentiment of political and moral duty?"

The most intriguing event in the life of Judge Pendleton, happened after he left Savannah to live in New York. Pendleton had family and business connections in New York and he quickly established himself there. He became a law partner and trusted friend of Alexander Hamilton. Hamilton had admired Pendleton's abilities and in 1795 he had mentioned his name to President Washington as a possible choice for Secretary of State. Hamilton went on to say that he feared he might be somewhat Jeffersonian and therefore he ruined any chance Pendleton may have had.
In 1804, a long festering political quarrel, between Alexander Hamilton and Aaron Burr, led to a duel and Pendleton found himself deeply involved. It was he, who was chosen by Hamilton to be his second.37 Pendleton and William P. Van Ness, Burr's second, were kept busy, from February through June, delivering letters and carrying messages between Burr and Hamilton. Neither principal conceded on any points and the duel was finally fixed for the morning of July 11th at Weehawken, on the Jersey shore.38

Following the duel, Pendleton and Van Ness drew up a statement agreeing on all points, except a major one. Which of the Participants had fired the first shot? They agree that two shots had been fired in rapid succession, but beyond that point, they agreed on little.39 Van Ness said that General Hamilton had fired first and then Colonel Burr returned fire. Pendleton maintained that Hamilton's shot was an involuntary one, coming after being struck by Burr's shot. He stated further that prior to the duel, Hamilton had told him that, as a "religious scruple", he did not intend to fire at Burr.40 Further testimony was given by Doctor David Hosack, who was the mutually agreed upon physician at the duel. Dr. Hosack did not see the actual duel, as he was waiting along the shore. His testimony was that the mortally wounded Hamilton spoke of his intention, not to shot, in the boat going back to New York.41
In the days following Hamilton's death, a controversy arose between the seconds, as both Pendleton and Van Ness gave their own accounts to the newspapers. Speculation ran rampant and all sorts of stories were circulated. All that seems certain was that the seconds behaved like gentlemen and that dueling procedures were followed precisely. Pendleton and Van Ness found themselves at the maelstrom of the events and both were indicted by a coroner's jury as accessories before the fact to murder.\textsuperscript{42} Nothing came of the charges and Colonel Burr left the state for an extended visit to St. Simons Island, Georgia.

As a way of settling disputes, dueling was the exception rather than the rule, in New York at that time.\textsuperscript{43} In the light of this, Hamilton had been involved in four duels, prior to this and his eldest son had been killed in a duel in 1801.\textsuperscript{44} Nevertheless, Hamilton took up the gauntlet flung by Burr. Had he been sincere, in his statements to Pendleton, that he did not intend to return fire? Or was it an intricate plot to make Burr look the villain, if his own shot did not make its mark?

On the other hand Burr was no saint and he had been in other duels himself.\textsuperscript{45} The distance between the antagonists was ten paces and Burr's shot hit Hamilton between the second and third false rib and caused massive internal injury to his liver and spinal column.\textsuperscript{46} Burr was obviously so angry with
Hamilton that the idea, of not shooting to wound Hamilton, did not occur to him.

There is no doubt that Nathaniel Pendleton suffered doubts and mourning, after this terrible event. These are his words in a letter written to William Bard on July 26, 1804:

...altho I know I suffered a more keen anguish from the agency I had in the causes that preceeded it, yet I feel now that it was impossible for me to have declined or even to have hesitated for a moment whether I would decline it. You know that besides the love, the admiration and respect I always had for the amiable qualities, the Sublime talents the generous spirit of that man, I was under particular obligations to him for particular acts of kindness, and of late also much more in habits of confidence with him than with any other man in New York.47

In order to reflect on Nathaniel Pendleton's part in the mystery, it is interesting to consider psychology as well as the facts. Seconds, for duels, were chosen for their loyalty and integrity, not for their impartiality. In this particular duel, the excitement and distress were bound to have affected the coolest of individuals. Here were two great men of the New Republic, facing each other on the field of honor. Each of the seconds wished his friend to be remembered, justly and honorably, by living and future generations of Americans. Is it not possible, that both Pendleton and Van Ness totally believed the position they espoused? Truth, as each man saw it, has gone to the grave with them.

Judge Pendleton lived the remaining years of his life in New York as a prominent member of the bar and judiciary. He
resided at his six hundred acre estate, Placentia, in Hyde Park, New York. This country home was a gift to the Pendletons from Susannah's father, Dr. Bard. In 1816-17, Pendleton was a member of the New York state legislature and took a prominent part in debates in favor of building the Erie Canal. In an untimely accident in 1821, Judge Pendleton was thrown from his gig and the injuries he received resulted in his death. He was a member of the St. James Episcopal Church in Hyde Park and he was buried in the church cemetery at the age of sixty-four.48 Thus, a tragic accident ended the life of this notable and colorful figure, who lives on in the pages of America's early history.

EPILOGUE

Nathaniel and Susannah Pendleton produced four sons and one daughter.

Edmund Henry, the first son was born in Savannah in 1786. He was a member of the 22nd Congress from New York in 1831-33 (Whig) and was a judge of Dutchess County, New York from 1830-1840. He married Frances Maria Jones, daughter of John Jones of New York City. As the eldest son, he inherited the family home, Placentia and resided there until his death in 1862. He was buried alongside his father, Nathaniel, in the St. James Episcopal Church Cemetery in Hyde Park.49

(11)
Nathaniel Greene Pendleton was born in Savannah in 1793. He attended Columbia University and in 1813 he joined the Army as a aide to his kinsman, General Edmund Pendleton Gaines. He moved to Ohio, where he practiced law and became active in politics. He became a member of the state Senate in 1825-29 and then moved on to serve in the 27th United States Congress, in 1841-43, as a Whig. Nathaniel Greene died in Cincinnati, Ohio in 1891 and was buried in Spring Grove Cemetery. (His son, George Hunt Pendleton will be discussed later.)

In 1795, John Bard was born in Savannah. He joined the United States Infantry as a second lieutenant in 1820. He died without marrying or having any children and was probably killed in action.

The only daughter, Anna Pierce was born in Savannah in 1796. She married Archibald Rogers, but the marriage produced no children. Rogers died in 1850 and Anna in 1883.

James Mathew was born in Hyde Park, New York in 1799. He married Margaret Jones and had a son named James M. Jones Pendleton. He died in 1832 and was buried in the graveyard at St. Mark's in the Bouwerie in New York City, beside his brother John Bard Pendleton.

George Hunt Pendleton was the son of Nathaniel Greene Pendleton and Jane Frances Hunt. He was born in Cincinnati, Ohio in 1825. In the family tradition, he entered law and politics. George Hunt served in the United States Congress.
Lloyd Neas

Mary Alice Key (1825 - 20 Jan 1886)

m 2 June 1846 Hon. Geo. H. Pendleton (1825-98)

PENDLETON

Francis Key

- 817

m Eizabeth Montague

PENDLETON

Geo. Hunt Pendleton

1896 -

Mary Lloyd

1852 - 1929

m 1876 John Rutledge Abney

1850

Jane Frances

1860 - 1951

m 1891 (Arthur Talghman Brice

BRICE

Arthur Talghman Brice

1892 -

m 1924

Alice Key Pendleton

1893 -

m 1921 John Forsyth Chubb

Julia Frances

1896 - 1925

m 1927
from 1856 until 1865. He ran unsuccessfully in 1864, on the presidential ticket with George B. McCollan against Abraham Lincoln. He was appointed United States minister to Germany by President Cleveland in 1885. George Hunt had married Mary Alicia Lloyd Nevins Key, daughter of Francis Scott Key. (Her paternal grandmother was Anne Phebe Penn Charlton, sister of Doctor Charlton of Savannah, Georgia.) George and Mary produced one son, Francis Key, and two daughters, Mary Lloyd and Jane Francis. Their descendants can be traced on the family tree, on the next page, to the late nineteenth and early twentieth centuries. George Hunt Pendleton died in Brussels, Belgium in 1889. He was nicknamed by politicians, who knew him as "Gentleman George."

Francis Key Pendleton, George Hunt's son, practiced law in New York City and later became a Justice of the New York Supreme Court. He married Elizabeth Montague, of New York City and they produced one son, George Hunt Pendleton, Jr. George, Jr. was born August 9, 1896 and served in the United States Army in France during World War I and was decorated with the Belgian Croix de Guerre. He is the last known male descendant of Susannah and Nathaniel Pendleton, that can be traced. He was mentioned in 1931, in a book called *Original Members and Others Eligible to the Society of the Cincinnati* in New York.
NOTES


4. Ibid., p. 255.

5. Ibid., p. 256.

6. Ibid., p. 257.


8. Ibid., p. 689-690.


13. Ibid., p. 80.


20. Ibid., p.1, c.3.


24. Deed Book L, 229, Superior Court, Chatham County Courthouse.


28. Will of Peter Bard, Folder B, pp.61-64, Probate Court, Chatham County Courthouse, Savannah, Georgia.


33. Gamble, Duels and Duellists 1733-1877, p. 127


43. The Papers of Alexander Hamilton, vol. 26, p. 235

44. Ibid., vol. 26, p. 237.

45. Ibid., vol. 26, p. 237


49. Grice, "Nathaniel Pendleton, Georgia's First United States Judge", vol. 6, p. 207.


52. Ibid., p. 690.

53. Ibid., p. 690.

54. Walter C. Hartridge, "Francis Scott Key" folder, Collection no. 1349, Box 30, Georgia Historical Society, Savannah, Georgia.

55. Ibid., p. 6.


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**AUTHOR'S NOTE**

The New York Historical Society has further primary sources in a collection called *The Pendleton Papers*. The information is uncatalogued and unindexed and would require personal examination.