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FOURTH OF JULY REFLECTIONS 2012©

Robert W. Smiley, Jr., Chairman

As Independence Day 2012 approaches, we pause once again to commemorate another four of the great men who stand out among all the ardent patriots of our nation's founding era—the 56 we call Founding Fathers, whose efforts 236 years ago culminated in their signing of the Declaration of Independence and the birth of the United States of America. They risked and suffered great physical and financial deprivations, with themselves and family members often falling injured or ill, with fortunes and livelihoods destroyed. Yet they persevered in fighting for what they fervently believed merited what they risked and suffered. Now, all these years later, how many Americans, outside of those serving in the all-volunteer Armed Forces, have the courage to stand up and defend our Constitutional Republic?

Before long, we will reach a time when no one remains alive who remembers how it felt to have our Country fighting for its very survival in the horrific World War II, which we won 67 years ago. But has the future of the United States ever been as much in doubt as it is now—not because one or more foreign powers are waging a declared war against us, but because forces in our midst may be engaged in a war to diminish the freedoms that our founders fought so hard to give us?

Are we destined to be passive casualties of legislative and regulatory assaults upon our freedom, or are we, as our founders were, active *patriots*? A dictionary definition of "patriot" is "a person who loves, supports, and defends his or her country and its interests with devotion". Do we care enough about our country to defend it and its interests with devotion?

As we focus on the Fourth of July and the birth of our nation, is it now, more than ever, time for us to ponder the uncertainties we face today. Will we continue to be the exceptional nation we have been, unique among all in history especially for our championship of human rights and individual freedom as protected by a Constitution enduring for all time, or will we continue to surrender those rights and our freedom bit by bit in face of the relentless determination of some who see us worthy of no more than peer status in the world community?

Let us pause in our Independence Day celebrations to raise a toast in thanks to those who in 1776 brought us our freedom—and to those who have fought ever since to preserve it—and give thought to how we can preserve it for our own and future generations.

Please enjoy as well our prior years' Fourth of July Reflections, which are now featured on our website: http://benefitcapital.com/4threflect.html

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Thomas Heyward, Jr.
Born: July 28, 1746* – St. Helena's Parish, South Carolina
Died: March 6, 1809 – St. Luke's Parish, South Carolina

Thomas Heyward, Jr., who would become the second youngest of the signers of the Declaration of Independence, was born July 28, 1746, at Old House Plantation in St. Helena's Parish, (later St. Luke's Parish, in what is now Jasper County), of the Province of South Carolina. He was eldest of six children of Colonel Daniel Heyward and a fifth generation descendant of the family's original emigrant from England, who had settled in the area in 1670.

Although we are accustomed to the use of "Jr." after a name only to distinguish son from father of the exact same appellation, it seems to have been a custom of the times to use it also in situations such as to distinguish a son from another relative identically named, in this case an uncle.

Heyward's early education was a classical one at a fine local school. He went on to study law under a Mr. Parsons, a barrister of excellent reputation and experience. After that initial legal education, in 1765 Daniel Heyward packed his son off to England to complete preparation for a career in law at Middle Temple, the distinguished law school. What impressed Thomas during his years in England was how superior the English considered themselves to be to the Colonists, whom they disdainfully regarded as their "country bumpkin cousins", utterly inferior to them and deserving to be treated as such.

In 1771, Thomas sailed for home. With the attitude he had acquired toward the British angering him profoundly, it can be no surprise that in short order Heyward began to figure prominently among the patriots gearing up for independence. Now, this was a young man of wealth and privilege who could have stayed back and enjoyed a comfortable life. He could have continued with the agricultural business of his White Hall Plantation, while enjoying a lucrative law practice (he had been admitted to the Charleston Bar in 1771). But he chose to risk all to bring about freedom for the Colonies. His early active and very open opposition to the increasingly oppressive nature of British rule found him quickly recognized as a leader in the patriot cause.

Young Heyward's public service began in 1772, not long after he began his law practice. He found himself at only 29 elected to replace in Congress John Rutledge, who had to return home to defend South Carolina against the looming threat of British invasion. In 1776, he traveled to Philadelphia and took his seat in time to join in the great debate over freedom from British rule. The South Carolina delegation opposed independence at the time of the earlier trial vote, but Heyward voted in favor of independence on July 4, and on August 2, just five days after his 30th birthday, signed the Declaration. His decision to throw his lot in with the revolutionaries had already put him at odds with his father, who, more alarmed than ever, warned him his reward would be being hanged by the British. Father and son went on to reconcile their differences and were once again close before Daniel Heyward passed away in 1777.

While in Congress, Heyward also signed the Articles of Confederation (July 9, 1778), one of the 16 who signed both documents. In 1778 Heyward left Congress and was appointed a judge of the criminal courts of the new South Carolina government. He was now living in a Charleston townhouse inherited from his father. The war, of course, was raging. Early in his judicial service he earned even more enmity from the British when he presided over a trial that led to the execution, in full view of the British army then near Charleston, of several individuals for treasonable correspondence with the British Army. Heyward's revolutionary activity cost him greatly in personal misery and financial loss.

*[Please note that variations in birthdates for many of the Founders are due to calendar changes during this era involving a switch from the Julian to the Gregorian calendar.]

Heyward served in the militia and became a Captain of Artillery. A gunshot wound he received while serving as a Captain of Artillery in the militia in William Moultrie's defeat of the British at Beaufort on Port Royal Island in 1779 scarred him for life. Subsequently, the British plundered and burned White Hall. In the spring of 1780, while in command of an artillery battalion during the British's lengthy siege and ultimate taking of Charleston, Heyward was captured, along with fellow South Carolina Declaration signers Edward Rutledge and Arthur Middleton, and imprisoned in St. Augustine, Florida.

History is not clear about the timing of Heyward's release from prison and his tragic loss of both his wife and their fifth child. One "official" report has him still imprisoned in St. Augustine when Elizabeth died giving birth to their second son to be named Thomas, though a much later writing by a family member places the date of her death in Philadelphia and the birth of this son at August 16, 1782. It is fairly clear that Elizabeth's husband was released in 1781, in a prisoner exchange following the de facto end of the Revolutionary War after Cornwallis' surrender at Yorktown in October 1781.

With the war over, Heyward resumed his judicial duties in South Carolina while simultaneously putting in two terms in the State Legislature (from 1782-1784). In 1790 he acted as a member of the state convention assembled to establish a constitution for South Carolina.

Thomas Heyward died on March 6, 1809, at home, the last of the South Carolina Declaration signers to die. He is buried in the family cemetery at Old House Plantation, where he had been born some 62 years earlier.

In 1942 a Liberty ship was named for Heyward. Liberty ships were specially made cargo transporters designed for "Emergency" construction by the U.S. Maritime Commission in World War II. They bore the names of prominent deceased Americans, starting with Patrick Henry and the signers of the Declaration of Independence.

Button Gwinnett

Born: 1732 – Down Hatherly, Gloucestershire, England
Died: May 19, 1777 – Savannah, Georgia

Button Gwinnett is another of the signers of the Declaration of Independence about whom little information is recorded. He was born one of seven children of a Welsh clergyman in a small English village, most likely in 1732. His parents were of modest means, and they obtained for Button the best schooling they could afford. Unlike what was the case with many of the Declaration signers, legal studies did not figure in Gwinnett's education. He learned trade and finance, most likely under the tutelage of a merchant uncle in Bristol.

Although Gwinnett early on grasped and strongly sympathized with the Colonists' grievances, for a long time, there in substantially Loyalist Georgia, he did not believe the Americans could succeed against such so formidable a power as Great Britain. It may have been a fellow Georgian—and an ultimate fellow Declaration signer—Lyman Hall, who convinced him to aggressively take up the revolutionary cause. Once he did come forward in favor of the Colonies' rights early in 1774, Gwinnett's was a strong and active voice for freedom, and he was at a meeting in Savannah in July 1774 when the so-called "Intolerable Acts" were debated. Early in 1775, the Georgia Assembly (Provincial Assembly) elected him a representative to the Second Continental Congress. He took his seat in May 1776. Although he attended for only about ten weeks, he served on a number of committees supporting independence. He was present to cast his vote for Independence and to affix his signature to the Declaration on August 2, 1776.

Continuing to serve in the Georgia legislature in early 1777, he became a delegate to the state convention organized for the purpose of crafting a constitution for the new state, and for a time this was his prominent activity. He wrote the first draft, following a pamphlet written by John Adams that he had brought

back with him, and helped defeat a proposal to combine the states of Georgia and South Carolina. A political adversary and rival, Lachlan McIntosh, was very critical of the constitution.

In this same time frame, Archibald Bulloch, the president of Georgia's Provincial Council, had barely taken office when he died, and the Georgia Assembly, of which Gwinnett was now speaker, named him to replace Bulloch until an election could be held. This man, whose passionate temperament perhaps could have been a positive ingredient in propelling him to the status of a patriot hero in the new nation, was instead undone by it and by his rabid jealousy of McIntosh. He took advantage of his new, elevated status to disparage and discredit McIntosh. In his two-month stint as the state's chief executive, Gwinnett was now also in charge of Georgia's military. When Gwinnett proposed a second expeditionary force from Georgia go into Florida to secure Georgia's southern border, the commander of the Continental forces insisted that McIntosh, now a brigadier general, lead it. But Gwinnett insisted that he himself lead the troops. As a result of the contention between them, both McIntosh and Gwinnett were recalled. The expeditionary force, led by a subordinate officer in McIntosh's brigade, failed totally. Though officially cleared of any wrongdoing, Gwinnett then lost his election to continue as Governor.

Both men persisted in their fury against each other. McIntosh denounced Gwinnett publicly, and Gwinnett challenged him to a duel, which took place on May 16, 1777, in a town with the interesting name of Thunderbolt. Both men were shot, but, while McIntosh survived, the infection that developed in Gwinnett's devastated leg led to his death only three days later, at age 45.

Gwinnett County, Georgia, (metro Atlanta area) is named for him.

Edward Rutledge

Born: November 23, 1749 – Charleston, South Carolina
Died: January 23, 1800 – Charleston, South Carolina

Edward Rutledge, destined to be the youngest of the signers of the Declaration of Independence, was born November 23, 1749, in Charleston, South Carolina, youngest of seven children of Dr. John Rutledge, a physician who had emigrated from Ireland around 1735. Sadly, Rutledge lost his father when he was only about a year old.

The year 1769 found Edward Rutledge in London completing his formal legal education at Middle Temple, the prestigious institution already cited in our biography of fellow Declaration signer Thomas Heyward.

Upon completing his four years of study, and having been admitted to the English bar, in 1773 Rutledge returned to Charleston to begin what became a lifelong lucrative law partnership with Charles Pinckney. In his very first year as a practicing lawyer, he gained attention related to the patriot cause when he argued for and secured the release of Thomas Powell, a newspaper publisher whom the British had put in prison for having printed an article critical of the Loyalist upper house of the South Carolina colonial legislature. Despite his youth (Rutledge was only 24 at the time) he was acquiring notice for his quick mind, fluent speech, and smooth delivery.

The year 1774 was when his securing of his place in American history began. Promoted by his brother John and his father-in-law, also a well-regarded politician, he found himself elected to the First Continental Congress at age 25.

The experience Rutledge gained during the First Continental Congress, while simultaneously accumulating more experience in the South Carolina provincial assembly, added to his matured judgment and earned him the esteem of his associates. He was now elected to the Second Continental Congress. Further, when in 1776 two of South Carolina's delegates, Christopher Gadsden and Henry Middleton, retired

and Thomas Lynch, Sr., was felled by a stroke, with his brother John away on state business, Rutledge became the leader of the state's delegation. By June, although as yet opposed to independence, he had gained such strength and recognition as one of the more influential members of Congress and was selected to sit on the important War and Ordinance Committee.

When a committee was established in June 1776 to draft the new nation's first constitution, the Articles of Confederation, Rutledge was selected to represent South Carolina. On July 1, when the first vote on the resolution for independence was taken, the South Carolina delegation voted against it. Yet it was Rutledge who proposed the vote be recast a day later, and on July 2, South Carolina, yielding to his persuasion to cast an affirmative vote for the sake of unanimity, joined in approval, with the adoption of the Declaration of Independence following on July 4. At the tender years of 26, Edward Rutledge was the youngest man to sign the Declaration, and the first of his delegation to do so.

In November 1776 Rutledge took leave of Congress to return home and serve in the South Carolina Assembly and also to defend his colony in the Charleston Battalion of Artillery, initially as a captain. He took part in a number of important battles and on February 3, 1779, fought in the Battle of Beaufort, when the revolutionary forces under General William Moultrie expelled the British from the island of Port Royal.

He took leave from Congress yet again in 1780, when Charleston was under siege for the third time by the British, and on May 12, 1780, Rutledge, along with Thomas Heyward and Arthur Middleton, was captured and imprisoned on an island off the coast of St. Augustine, Florida. He was held there until July 1781, when he was released in an exchange of prisoners and then journeyed 800 miles to Philadelphia, where he stayed until the British had cleared out of Charleston.

He returned home to Charleston and his law practice, at which he was most successful for the coming 17 years. Participating in the South Carolina Constitutional Convention in 1790-91, he voted in favor of the ratification of the United States Constitution. He declined the office of associate justice of the U.S. Supreme Court in 1794.

Rutledge gave up his station at the bar in 1798. He was elected and took office as governor of South Carolina, even though he had been quite ill, suffering from gout. He died in Charleston January 23, 1800, age 50, after a stroke.

Like his fellow Declaration signer from South Carolina Thomas Heyward, Rutledge had a ship named for him. Commissioned April 18, 1942, The U.S.S. Edward Rutledge (AP-52), commissioned April 18, 1942, was acquired by the U.S. Navy for use in WWII and assigned to transport troops to and from battle areas. The ship was sunk November 12, 1942, when struck by a German sub's torpedo off the coast of Morocco.

George Walton

*Born: Between 1740 and 1750 – Virginia
Died: February 2, 1804 – Augusta, Georgia

Of the 56 signers of the Declaration of Independence, it is Georgia's George Walton whose birth date remains essentially undetermined. So much else of this patriot's life is well documented, yet the date of his birth has escaped validation. Some sources have him born as early as 1740. 1741 seems most popular, however unrealistic, and "around 1749 or 1750" also turns up. If it could be proven that Walton was born after November 23, 1749, it would be he, not South Carolinian Edward Rutledge, another biographee in this set, whom history would have recorded as the youngest of the signers.

Descended from paternal grandfather George, young George was born to Robert and Mary Hughes Walton. He had no more than a rudimentary early education, and, with both his parents dead by the time he

was about 12, he was raised by an uncle, a carpenter to whom he was apprenticed and who thought book learning a waste of time. He kept the boy hard at work all day, and when darkness came refused him even a candle by which to read the law books he was able to borrow. Fiercely determined to educate himself, Walton collected wood scraps during the day and managed to read at night by the light of the little fires to which he fed them.

In 1769, his carpentry apprenticeship completed, the young man relocated to Savannah, Georgia, and commenced the study of law with well-respected attorney Henry Young. Five years later he was admitted to the Georgia Bar and began his own successful practice in Augusta.

A passionate desire for independence from Britain had been growing throughout the other colonies and was steaming toward a full boil. Walton was early on in favor of independence. Not a man to guard his feelings, he made his opinions known in both his professional and his personal lives, and he lost no time developing close associations with fellow patriots. Walton's determination to be instrumental in growing this sentiment blossomed in public when he became one of the four organizers who engineered a historic assembly at the Liberty Pole in Tondee's Tavern in Savannah. The purpose was to unite the various parishes in the Georgia province in collaboration with the other, more openly rebellious colonies in opposing the oppressive British rule.

As the newest of the 13 colonies, Georgia was more dependent on England, geographically the most distant from New England, the early hotbed of revolutionary activity. By the time the first half of 1776 drew to a close, however, Georgia had embraced the revolutionary cause. Walton soon found himself sent off to Philadelphia as a delegate. He arrived only one day before the vote for independence, cast that vote, and signed the Declaration, the last of the Georgia delegation to do so.

In December 1778, Walton was commissioned a colonel in the Georgia's militia First Regiment. While in command of a battalion during the unsuccessful defense of Savannah, he toppled from his horse, wounded, and was captured by the British. Once he recovered, they kept him prisoner in Florida until September 1779, when they swapped him for a high-ranking British Naval officer.

Walton's next role was a brief one as governor of Georgia. He left the governorship in January 1780 with his reelection to the Continental Congress for a two-year term. Almost ten years later, he was again elected governor but left the position when, late in 1789, the government was reorganized under a new constitution. Walton soon began a period of judgeships that continued through the rest of his life.

In his post-retirement years after leaving the political scene, Walton concentrated on farming, but was not particularly successful. Higher education was always in the vanguard of his priorities. He was a founder and trustee of Richmond Academy, in Augusta, and of Franklin College, in Athens, Georgia. The latter became the University of Georgia.

Either sometime in 1775 or in September of 1778, Walton had married Dorothy Camber. Their issue was two boys, the older of which, Thomas, born in 1782, died in 1803. George Walton, Jr., arrived in 1787 and lived well into his seventies. Dorothy Walton survived her husband by 28 years.

Walton died at his Augusta home, College Hill, on February 2, 1804, most likely about 54 years of age, his health in his later years having been weakened by the ailment that seems to have afflicted many in those days: gout. Walton County, Georgia, was named for him December 16, 1818, and the Walton name graces a number of educational institutions/schools.

[*Various references disagree on dates.]