

DeSaussure and Ford: A Charleston Law Firm of the 1790s
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**with apologies for the a) roughness of this draft and b) lateness of its appearance.

Though there have been many studies made of law firms of America in the 19th and 20th centuries, none has been attempted for the 18th century. In part, any such effort is stymied by the lack of available sources to draw upon. Though we know of partnerships that existed during 18th century, typically, they left few if any records behind that are useful for research. In particular, partnerships formed between family members (like the Cranches, father and son, in Boston) or between mentors and students (such as Henry Marchant and his student then partner ____ Ellery in Rhode Island) were often fleeting, as legal business could rarely support multiple attorneys in the same vicinity. Only in the largest cities and towns, like Boston or Philadelphia, did these brief legal associations flourish—and even then, the archival material that they left for scrutiny by historians was minimal at best.

One exception to this pattern can be found in Charleston, South Carolina, in the partnership formed between Henry William DeSaussure and his brother-in-law, Timothy Ford. The two men were prominent, following the Revolution and their service therein, and the DeSaussure clan was well-connected in the southern seaport. This essay is an exploration of a series of records generated by the firm DeSaussure and Ford from the late 1780s and early 1790s, as well as a broader consideration of the sorts of legal work that could be undertaken by two men in this transitional period for the legal profession.

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Background and Major Life Events for DeSaussure and Ford, the individuals

Born August 16, 1763, Henry William DeSaussure was the descendant of émigré Huguenots who had first come to South Carolina during the 1730s and settled in the Beaufort District of that colony.² His father, Daniel, was a hardy, flourishing merchant trader first in Beaufort and later Charleston, who was prominent in local politics. His commitment to the patriot side during the Revolution doubtless had some influence upon young Henry, who was an only son, and followed his father into military service during the war against Britain. The war took a dreadful toll on the DeSaussure family: three of Daniel's brothers died from either battlefield wounds or disease, while Daniel and his son Henry were only taken captives by the British. While still a teenager, Henry was captured when Charleston fell and placed into one of the prison hulks moored in Charleston Harbor, and later he was sent to Philadelphia for exchange in 1781. While there, he was reunited with family members, including his mother and sister who had been banished by the British from their home, and his father, who had been imprisoned in Florida.

It was in Philadelphia that young DeSaussure decided upon a career in the law, and went into the office of Jared Ingersoll, the Connecticut-based attorney who divided his time between New England and Pennsylvania. After a three-year period of training in Ingersoll's office, DeSaussure was admitted to the Philadelphia bar (1784) and then he determined to return to South Carolina. After being admitted to the South Carolina bar (1785) and establishing his practice in Charleston, DeSaussure embarked upon a variety of other endeavors. He married a New Jersey woman, Eliza Ford (daughter of Colonel Jacob Ford of Morristown) prior to his relocation, and once settled, he entered upon a

² Arthur H. Hirsch, The Huguenots of Colonial South Carolina (Columbia: University of South Carolina Press, repr. ed. 1999), 223.

career in politics that continued almost until his death in 1839. He served multiple terms in the House of Representatives of the South Carolina General Assembly, and was later named Intendant [like being mayor] of Charleston itself (1797-1798). In the nineteenth century, he was elected to the chancery bench, where he served for nearly thirty years (1808-1837). To the student of early American law, DeSaussure is probably best known for publishing four volumes of Chancery proceedings (covering the years from the Revolution to 1817), which led one commentator to compare him with Chancellor Kent of New York for his central role in establishing many rules of equity for the new state.³

Our knowledge of Timothy Ford is more limited. Born in December 1762 to Jacob and Theodosia Ford of Morris Town, New Jersey, Ford was educated at Princeton, where he graduated with honors, in large part because his father had so directed in his 1776 will, ordaining that all three of his sons were to receive “liberal educations” and that his daughters likewise were to be given the “best English educations” though his wife might have them taught Latin if she so desired.⁴ After Princeton, Ford studied law with Robert Morris, eventually being admitted to the bar of New York. He fought in the Revolution, as DeSaussure did, being wounded in action at Springfield, New Jersey. It was through the offices of his sister, Elizabeth, that he first met Henry William DeSaussure (or Billy, the name that Ford used for his brother-in-law repeatedly), and it was after the marriage of Elizabeth to Henry that the trio embarked for Charleston in

³ “Henry William DeSaussure,” Dictionary of American Biography # of vols (New York: Chales Scribner’s Sons, 1930) 5: 253-254. See also Appleton’s Cyclopaedia of American Biography # of vols (New York: D. Appleton, 1900) 2: 150, Who Was Who in America: Historical Volume 1607-1896 revised ed. (Chicago: Marquis Co., 1967), 215. The comparison between DeSaussure and Kent was drawn by Belton O’Neill, celebrated SC jurist of the nineteenth century and author of Biographical Sketches of the Bench and Bar of South Carolina (1859) I: 245. On family movements during the Revolution, see Edward McCrady, The History of South Carolina in the Revolution 1780-1783 (1902) 378. Other information drawn from his obituary in the *Charleston Courier* Paril 1 1839.

⁴ Ford Family Correspondence, Jacob Ford will, July 10, 1776. The testator died in January 1777.

1785. We know much about Ford's first impressions of Charleston, for he kept a diary of his actions during 1785-1786, which was published in its entirety in the *South Carolina Historical and Genealogical Magazine* in 1912.⁵ Upon arriving in Charleston, Ford would have found several Princeton graduates he knew, including Richard Hutson, Thomas Gibbes, John McCrady, and Patrick Noble—lawyers and men of standing within the community. Work and family connections were eventually redoubled some eight years later, for just as his sister Elizabeth had married Henry William DeSaussure, Ford married DeSaussure's sister, Sarah Amelia (or "Miss Sally", as Ford called her), in January 1793. All four were present in New Jersey at the time of the wedding, and when the group set off for the south.

Why Ford chose to leave New Jersey, or New York, is uncertain. His brother Gabriel wrote in January 1788 that there was still some trouble in the settling of their father's estate—suggesting that money troubles may have been at the root of Timothy Ford's decision to relocate. However, there was enough money set aside for their youngest brother, Jacob, to attend Princeton at this time, for Gabriel himself to study law and be admitted to the bar, and for their mother to visit Timothy in South Carolina in the following year, which more likely indicates precisely the opposite, that money was readily available within the family. Thus, it is unclear why Timothy Ford decided to leave a place where he was trained and (through Morris) well connected. Perhaps there were already too many lawyers practicing in New York for him to be hopeful about the future.

⁵ "Diary of Timothy Ford, 1785-1786," ed. Joseph W. Barnwell *SCHGM* 13 (1912): 132-147, 181-204. Biographical material, 132-133. Other biographical data drawn from *Princetonians: A biographical dictionary* 5 vols. (Princeton: Princeton University Press, 1976-1991), vol. 3 (1776-1783) ed. Richard A. Harrison, vol. 4 (1784-1790) ed. Ruth L. Woodward and Wesley F. Craven. "Miss Sally" reference from Ford Diary, October 13, 1785, *SCHGM* 13 (1912): 139. See also N. Louise Bailey, *Biographical Directory of the South Carolina House of Representatives* 5 vols. (Columbia: University of South Carolina Press, 1984), 4: 208-9.

In any case, he chose to accompany his sister and her new husband to Charleston to seek his fortune in 1785.

DeSaussure and Ford in Professional Environs

When the Fords and DeSaussures arrived in Charleston in October 1785, the two men set out upon circuit almost immediately. Even before Ford was admitted to the South Carolina bar (which did not occur until the following year), he and his brother-in-law made good use of their legal skills on circuit. In November 1785, the two men began the long trek to Beaufort, a distance of about 70 miles, to attend the sitting of the circuit court. Along the way, the pair stayed with DeSaussure's relations each night, and finally arrived at the court house a few days later. DeSaussure clearly intended to introduce Ford to all the right people, opening doors for him among the Huguenot network of families that might make it possible for Ford to earn a living in the colony, and make him a wealthy man. Ford described meeting "Messrs. Holmes, Colhoon, Majr. Frazier and Majr Pinckney" upon arrival—the four men who were the "gentl. of the Bar that rode this circuit."⁶ A town of nearly thirty houses, Beaufort was not merely a small village, it was also a place where the residents were all connected by family ties. Ford discovered that "A stranger taken notice of by one gains an early access to all."⁷

Ford was singularly unimpressed by some of the men he met on circuit. In particular, when he was introduced at dinner to Aedanus Burke, who was the judge in eyre at Beaufort, Ford succumbed to making some sweeping condemnations of the man. Ford wrote, "I found him an arrant Irish man whose conversation though well enough aimed never contained a sentence of good English but on the contrary abounded with

⁶ Ford Diary, November 4, 1785, *SCHGM* 13 (1912): 145. The men were John B. Holmes, John Ewing Calhoun (later Senator from South Carolina), Alexander Fraser and Thomas Pinckney. See fn. 7, p.145.

⁷ *Ibid.*

blunders vulgarisms & Hibernianisms.” Ford’s incredulity only increased once he saw Burke in action on the bench. “[H]is ideas seem’d amazingly confused & he neither look’d spoke nor acted like a judge. In short he carries with him less dignity than I have seen for a man of his learning & station—I am told however that he is a Lawyer.”⁸ His disdain for the idleness and sloth of the youths he met, trained at law or not, was likewise severe. “[M]any send their sons to England for education from whence they generally return but little more improved & much more dissipated than they went—& after this much expense has been lavished upon them.”⁹ This attitude was one that Ford would share with his brother Gabriel, when their own brother Jacob appeared to be ‘wasting his time’ and “dreaming away the term” at Princeton in 1792.¹⁰

Only newly arrived in the state, Ford was critical of the situation he found in South Carolina, not just on a personal level, but also about the proposed reorganization of its legal system. The legislature had recently appointed three men to digest all state laws into a more easily understandable form. Ford rejected this method of simplification, to be carried out by “Judges Pendleton Burk and Grimke.”¹¹ Ford claimed that such a code “must be both deficient & faulty.” In part he blamed the great variety of materials such a code must be built out of, but he also claimed (having now visited Beaufort court with his brother-in-law) that ‘the looseness & irregularity [sic] of legal Practice: owing I believe partly to the method of administering justice in the several parts of the state and partly to the carelessness of practitioners.” Ford thought that, in South Carolina, legal practices meant that no code could satisfy the needs of lawmakers and lawyers alike. In a comment

⁸ Ibid.

⁹ November 28, 1785, *ibid.*, 192.

¹⁰ Ford Family Correspondence, May 15, 1792.

¹¹ Ibid.

deserving its own lengthy excerpt, Ford claimed that the incestuous nature of legal practice in Charleston made for sloppy legal practices.

The state is divided into two districts the Northern & Southern, each of which is subdivided into circuits; where circuit courts are held twice a year including sessions common pleas goal delivery & presided over by one of the associate judges of whom there are four. For these Courts all the business is prepared & causes brought to issue in Charleston; & then the lawyers & judges set off together taking the requisite papers with them & are generally absent for 5 weeks. The consequence of this mode is that all the attorneys centre in Charleston, are acquainted with one another & practice upon so liberal a footing as only to adopt so much of the English practice as suits their case & convenience & compound for the rest—so that no errors or omissions of that kind are taken advantage of; & the judges do not make it their business to scrutinize into these niceties. The practice is of consequence as slovenly & unsettled as the laws themselves.”¹²

Ford’s condemnation of legal practice in South Carolina, following so soon upon his relocation to the state, was only partially qualified. “[T]he late introduction of county courts in two or three of the districts, by distributing the attorneys through the country will probably retrieve the practice in some measure from this state of confusion; at least as far as the deviations from the english mode of administering justice will admit of. This deviation is however considerable.”¹³

Ford’s observations on legal practice extended not only to defects in laws, legal practice, and lawyers, but also to the curious purposes behind law suits that individuals decided to pursue within the courts. As was true in all parts of the new nation, the overwhelming majority of all law suits filed in civil courts were contests about debt and credit. This continued a practice that was common throughout the eighteenth century in

¹² Ibid., 199.

¹³ Ibid., 199.

South Carolina, as research by Michael Woods has proven.¹⁴ Ford thought that debt and credit were ubiquitous in the state, intrinsically bound up in the culture of honor that he recognized when he arrived in the state that operated in equal part with the determination of most men of property never to pay their debts if possible. The close alignment of credit interests with legislative power was obvious to even such a new visitor as Ford: “The debtor interest is however prevalent, and operates in all the forms of injustice oppressions...while men are madly accumulating enormous debts, their legislators are making provisions for their nonpayment.”¹⁵ It was the Revolution that encouraged men to stop being honorable in the repayment of debts: “The planter who had been accustomed to live at his ease found himself much distressed at the conclusion of the war; involved in debt, his plantation torn to pieces...& his creditors pushing for repayment: the legislature immediately interfered & opened a new source of hope as well to the imprudent & fraudulent as to the unfortunate.” From this beginning, Ford theorized, the cycle of indebtedness that a legislature might then prevent being collected had spiraled out of control. “They learnt new lessons of fraud from legislative interference,” the young man concluded, and “their apostacy is magnified thro the medium of their former integrity....”¹⁶

Ford’s concern about the willingness of men to put themselves in debt, relying upon the legislature to bail them out of impecunious circumstances, would actually work to his own benefit. The vast majority of the legal work done by Ford and DeSaussure

¹⁴ “The Culture of Credit in Colonial Charleston” 99 *South Carolina Historical Magazine* (1998): 358-380. Wood showed that the average suit for indebted amounts rose from 55 pounds before 1710 to more than 1600 pounds between 1764 and 1769. Table I, *ibid.*, 359. Nearly 40% of all suits from 1700 to 1770 settled prior to final judgement. Merchants comprised 40% of all plaintiffs, and book accounts or a written promise to pay were the preferred methods of indebtedness—over 75 of all cases. (In rank order, bonds, book accounts, promissory notes were the most common.)

¹⁵ Ford Diary, November 28, 1785, *ibid.*, 200.

¹⁶ *Ibid.*, 202-3.

during the legal partnership consisted of cases for debt collection. The pair also carried on extensive legal business for family members, serving as executors for individuals like Henry William's half-brother Alexander Edwards and Edwards' wife, Mary McPherson DeSaussure (a cousin), whose probate and estates were both handled by the legal pair.¹⁷

DeSaussure and Ford also entered into political disputes during their legal partnership. In the 1790s, when South Carolina's legislature began to reconsider apportionment, such that the backcountry might receive greater representation in the General Assembly, there were powerful interest groups that wished to oppose any redistricting that would diminish the power of lowcountry planters. Though one-fifth of the free whites in South Carolina lived in the lowcountry, they elected a majority of the state's legislators, a situation that backcountry residents found intolerable¹⁸ When backcountry residents launched a pamphlet war in 1793-94 with Robert Goodloe Harper arguing their case as "Appius," lowcountry planters responded through the medium of Ford, who signed himself "Americanus." Ford's argument ran counter to Lockean theory, arguing that the state of nature never existed, and that individuals possessed rights and property before they formed any sort of government. Thus, if they had these possession when they formed a government, each interest group—mercantile, planting, farming and manufacturing—present when the government was formed could set the terms of the original compact. Therefore, planters who had been in the state long before backcountry residents had the right to determine the government structure and power arrangements. Latecomers, such as new immigrants settling the backcountry, must either agree to

¹⁷ "John Edwards and Some of His Descendants," *SCHM* xx (19xx), 22-23.

¹⁸ James Haw, "Political Representation in South Carolina 1699-1794: Evolution of a Lowcountry Tradition," *SCHM* 103 (2002): 125.

existing arrangements, or they were free to go elsewhere and should do so.¹⁹ DeSaussure echoed these sentiments in his own anonymous pamphlet, asserting that unequal representation was common in other states and had long been the norm in South Carolina. Any change from this was unnecessary.²⁰

DeSaussure and Ford: Company Expenses

A closer investigation of the first two of an extensive set of five cash and daybooks for DeSaussure & Ford, which cover the years from 1786-1821, reveals detailed records concerning expenses and income from all manner of clients, plus records of the students who were taken into the law firm as apprentices.²¹ In the first volume, a bound book supplied by James Hawkins, stationer, of Queen Street, London, Henry William recorded the names of all the young men taken in as apprentices by the partners. Every few years, a new young man would join for a three year period. The first to arrive was William Tennant, son of the late Reverent William Tennant, in 1789. Two more young men came in June and August of the same year, named Colcock and Ward. Each young man paid a fee of 100 guineas, plus board if they lived with the DeSaussures as Colcock did in his first year, and Dan Waring did in 1792. The fee might be negotiated to a slightly lesser amount, if family circumstances did not permit payment all at once, or at all: the Colcocks could not afford the full fee of 100 guineas, and negotiations ensued

¹⁹ “Americanus” [Ford], *The Constitutionalist: or, An Inquiry How Far It is Expedient and Proper to Alter the Constitution of South Carolina*, (Charleston, 1794), 3-10, 15-16, summarized in Haws, “Political Representation in South Carolina 1699-1794: Evolution of a Lowcountry Tradition,” *SCHM* 103 (2002): 126-7.

²⁰ “Phocion” [DeSaussure], *Letters on the Question of the Justice and Expediency of Going into Alterations of the Representation in the Legislature of South Carolina* (Charleston, 1795), 15-16, cited in Haws, “Political Representation in South Carolina,” 127.

²¹ Ravenel Allied Families 1027.03, South Carolina Historical Society, Charleston. The five volumes of records in 11/131A/1 are all in the handwriting of Henry William DeSaussure, and cover the following dates: volume 1: cash book 1786-1795; volume 2: Day book (1790-92); volume 3: Cashbook 1797-1801; volume 4: cash book (1804-1820); volume 5 Cash book (1812-1821).

between DeSaussure and Colcock’s widowed mother, who managed to press DeSaussure to accept her son for a mere 70 guineas.

The arrangements to accept apprentices were not always faithfully recorded. Mr. Darrell “came into the office late in 1789 or Beginning of 1790” undecided if the law was for him. By June of 1790 he notified DeSaussure that he intended to make the law his profession. Such notice was important, for the teaching attorney had to certify that the young man had served three years of serious apprenticeship in his office, and the month and year of his commencing legal studies were therefore of critical importance. The large number of young men who were taken into the office gives a rough indication of the thriving nature of DeSaussure’s practice at the time Ford joined him in 1786. In all, the partners trained nine young men as apprentices during the first ten years they practiced together, from 1786 to 1796. Though not all their trainees were cut out for legal practice: a Mr. Fripp who joined the men in 1792 “merely to be made acquainted with business” soon discovered that “[h]is disposition soon compelled him to quit the study.”²²

The business of making a living at the law was not an easy one, as some simple data drawn from the DeSaussure and Ford cashbook for 1786, 1787, 1788, 1790 and 1791 reveal. All entries were recorded in pounds, shilling and pence.

In 1786, following his return from New Jersey, Henry William DeSaussure recorded the following expenses and income for the latter part of the year.

| Month | Expenses | Receipts |
|----------------------|----------|----------|
| Carried forward from | 135.2.9 | 146.2.1 |
| January-August 1786 | | |

²² DeSaussure and Ford Cash Book, 1786-1795, Ravenel-Ford papers, Ravenel Allied Families, SCHS. This volume

| | | |
|----------------|----------|----------|
| (cumulative) | | |
| September 1786 | 13.13.7 | 28.7.3 |
| October 1786 | 18.10.10 | 7.10.0 |
| November 1786 | 113.18.5 | 82.9.2 |
| December 1786 | 33.14.11 | 43.18.5 |
| Annual Totals | 314.13.8 | 308.6.11 |

Similar sorts of expenses and income levels continue in 1787, and a stray comment made in an entry for 1788 reveals that the partnership and sharing of monies began in 1787, though the precise date that the partnership was formed is uncertain.²³ The total level of expenses and income appears to rise in that year from 1786:

| Month | Expenses | Receipts |
|--------------------|----------|----------|
| January 1787 | 50.9.5 | 47.1.8 |
| February 1787 | 36.14.0 | 26.0.0 |
| March 1787 | 46.7.0 | 58.10.5 |
| April and May 1787 | 155.11.1 | 133.7.0 |
| June 1787 | 60.5.9 | 44.6.6 |
| July 1787 | 44.7.0 | 34.0.0 |
| August 1787 | 41.14.1 | 62.16.3 |
| September 1787 | 61.19.2 | 56.13.11 |
| October 1787 | 46.15.6 | 56.2.0 |

²³ Recd of Ed: barnwell -- by retaining so much in my hands from money in Mr. Fords hands in full of all demands on my old acct with him prior to Mr. Ford being engaged in business with me in year 1787: 5 pounds. Entry for November 11, 1788, Ravenel-Ford cash book.

| | | |
|-------------------------------|----------|---------|
| November and December 1787 | 132.10.0 | 27.12.3 |
| Annual Totals | 677.3.0 | 616.9.0 |

In December 1788, DeSaussure toted up the net income and expenses, and the divide between DeSaussure’s work and his side businesses became even more apparent: his total income from legal work came to 368.4.4, while total expenses came to nearly 629 pounds. How did he handle the discrepancy? He had a total personal income of nearly 300 pounds, which included other sources of revenue, like the sale of a slave. In April 1788, DeSaussure sold a “wench Sarah” for 42.4.8, and seemed to resent the need to put all funds into the general account with Ford. “[T]he money then paid me must come into the general acct with Mr. Ford as I have debited myself in our joint books with every farthing I ever paid away, tho’ paid out of these private funds of my own.” The combined income from land, loans, and legal business pushed the revenues of DeSaussure and Ford to more than 666 pounds, just clearing the total of their combined annual expenses.²⁴

²⁴ 1788 annual reckoning by month: Income: Jan 11.0.8, Feb 22.1.6, Mar 54.16.10, April & May 46.12.9, June 36.3.9, July & Aug 32.14.4, Sept 43.18.5, Oct 25.14.6, Nov & Dec 95.1.9. Total for year 368.4.4 [legal work] Cash receipts in 1788 on my private account L297.16.3. Grand total receipts for year L666.0.7. Expenses: Jan 16.18.0, Feb 32.13.10, Mar 53.13.7, April & May 141.3.6, June 59.11.2, July & Aug 13.18.4, Sept 15.3.2, Oct 8.10.2, Nov & Dec 286.8.11. Total expenses for year 1788: 628.3.8

In 1791, Henry William DeSaussure recorded the following expenses and income:

| Month | Expenses | Receipts |
|-----------------------------|---|------------|
| January 1791 | 242.6.1 | 165.1.3 |
| February 1791 | 144.8.4 | 102.3.5 |
| March 1791 | 191.11.1 | 293.15.9 |
| April & May 1791 | 833.10.2 | 676.9.0 |
| June 1791 | 91.4.7 | 71.16.0 |
| July 1791 | 102.0.11 | 105.15.8 ½ |
| August 1791 | 119.19.1 | 198.12.7 |
| September 1791 | 416.4.5 | 396.6.5 |
| October 1791 | 202.0.9 | 129.10.4 |
| November & December 1791 | 501.1.7 | 489.4.3 |
| Yearly Totals | 2844.7.0 | 2628.14.8 |
| | “Plus cash receipts in my private account” | 213.16.5 |
| | | 2842.11.1 |

As one can readily see, the expenses for the firm in 1791 exceeded income by a healthy amount, nearly 10%, and the balance was only made good through money that Henry William DeSaussure received from other ventures. Indeed, DeSaussure indicated that he received money from land he rented and loans he made, by far the largest source of

income he received aside from his legal work, for in October he received only 24 pounds from his father for a portion of the crop worked with slaves DeSaussure owned.²⁵ What could account for the rise of expenses (and income) in so short a period of time, from 1787 to 1791?

In part, the rise in expenses is due to the fact that DeSaussure mixed his personal accounts with his professional ones. The expenses included all the clothing, food, firewood, and daily purchases that three persons might need in an urban area like Charleston. To take but one month, March 1789, the total expenses for the combined household (for it is entirely likely that prior to his own marriage, Ford lived with DeSaussure and his own sister) were 74.5.2, which even included the purchase of a second horse, the horse for the northern circuit for Mr. Ford (which cost only 10 pounds, the other 10 pounds of its purchase price paid as the retainer fee by the horse's original owner). But only another 5 shillings was expended on paper for the office. The rest of the money went for household goods, non-durables like food and drink. Checking again in January 1790, the same pattern holds true: the vast majority of expenses were for food and clothing for the three persons in the household, plus a few other related items. Thus, the appearance that the law firm was not doing well financially actually masks great success: the income of the two lawyers more than adequately covered their professional expenses. It was their personal expenses which ate up any profits that they might generate.

What might be considered professional expenses? The typical range of expenses for the law firm can be divided into five categories: writing supplies (paper, pens, ink) and printing supplies; court costs (including lodging and fodder while on circuit) and

²⁵ 23.17.8, to be precise.

judge's or sheriff's fees (typically for the service of warrants and witnesses' summons); books and durables, like bookcases, inkstands (0.3.9 in September 1789), chairs, and cloth to be made into pleaders' robes; professional memberships, such as the firm's membership in the Charleston Library Society which brought access to further works on the law, and taxes paid upon their office (the Charleston city tax for a lawyer in business was 1.5.0, so the firm collectively paid 2.10.0); and finally, an unexpected cost: a scrivener. Even during years when the firm had one or two apprentices in the office, a scrivener was hired to take care of some copying work that DeSaussure and Ford allocated to him. Though he did not handle much work, he did reappear from time to time during the period from 1789 to 1795, suggesting that he may have been used for specialty items, such as large engrossed charters or deeds of conveyance that had particular importance. Of the five categories, by far the largest of these expenses were court costs and sheriff's fees, consuming nearly 80% of all the moneys laid out for professional expenses. DeSaussure and Ford were also liable for printing costs, as a bill from December 1790 shows: they paid Mrs. Timothy (the editor behind the *Charleston Courier* after her husband's death) 3 pounds for various advertisements and legal notices that were placed on behalf of their clients during the year.

One particularly interesting charge made appeared in June 1789, and then again in October 1790, when DeSaussure noted a contribution to "John Drayton"—another Charleston lawyer—for a subscription to a law library. Although there is no evidence that such a law library ever came into existence, the possibility that lawyers in Charleston might club together to purchase legal volumes suggests that the city attorneys had begun to recognize the need for a social gathering spot. Had it been established, it would have

been older than the first such gathering of legal practitioners in Boston, the Social Law Library, formed in 1803, or the Jenkins Law Library, created by Philadelphia's city lawyers in 1802. Both of these legal libraries, which still exist, were set amidst larger populations that were home to many more practitioners. However, given the existence of the Charleston Library Society, one has to wonder whether this new society would have been created primarily as a social venue, or to promote legal knowledge. On August 20, 1789, DeSaussure contributed nearly 2 pounds for his share of a "bar dinner", suggesting that local lawyers were dining together in much the same way that lawyers in Boston had done, as a bar, for nearly 40 years. Yet the newly proposed library need not have been connected to the bar—it may have been suggested in response to another problem: lack of resources elsewhere. A quick check of the holdings in the Charleston Library Society reveals that purchases continued to be made by all members who recommended them (and that included lawyers) but that a large body of legal works—including Blackstone and others—were deaccessioned in the 1790s to help one young lawyer start his practice in the city. This suggests that the Library Society was no longer furnishing its attorney-members with all the volumes they may have wished to have access to. If that is true, then a subscription fund to purchase books collectively at a new, law-focused library society, would have been a boon to all practitioners in the city.

As it was, no such society appears to have ever come into existence, and older, more successful firms like DeSaussure and Ford continued to buy books for their own use as well as that of their law students. June of 1789 saw the expense of 1 pound, spent for purchasing a volume of Blackstone's Commentaries, probably a duplicate copy. Such

expenses could be considered clearly legal, and obviously fit into one of the five categories given above.

Yet, in March of 1790, the firm made another purchase which might be considered personal, and might be considered professional—it is a difficult expenditure to categorize. On March 15, Mr. Ford purchased a slave, as did Mr. DeSaussure. Ford purchased a man, Bob, while DeSaussure purchased a woman, Amelia. Both had passed through the hands of long-time clients of the two men, Thomas Cordes, and Colcock & Graham. Their total price was over 130 pounds, and DeSaussure carefully recorded how much each cost, as well as for whom each had been purchased. Whether or not it was considered fashionable, or necessary, for lawyers to own slaves in Charleston, cannot be determined as yet. DeSaussure himself was already a slave owner, leaving his ‘country’ slaves under the supervision of his father, where they worked in the indigo fields. That the man and woman came together, as a pair, may indicate that they were to be placed within the household as cook and butler. Indeed, by this time, Eliza DeSaussure was tending several small children, and could probably no longer handle any daily cooking or marketing routines for the household without assistance.

Certainly, both men found slavery to be part of the backbone of South Carolina society. In their pamphleteering efforts, both men defended the institution rigorously. As “Americanus” and “Phocion”, they focused upon the reasons why preservation of property and the continued inequality of representation actually insured the spirit of liberty. In his pamphlet, Ford claimed that “where inequality of property prevails, the citizens are more jealous and watchful of their liberties from that very circumstance.” DeSaussure repeated this sentiment the following year in his own anonymous pamphlet,

urging that in societies where domestic slavery was known, freemen were “more fiercely jealous of their liberties than any other people of the world.”²⁶ Naturally, DeSaussure would urge that slavery was a benign institution, as he himself was a slaveholder, although the records from the law firm indicate that he occasionally handled the preparation of manumission papers and freedom papers for free blacks in Charleston at little or no cost.

The fees paid by clients appear to have varied mostly by the intricacy of the case, more than any other factor. Simple consultations started at 3 pounds, and that was also the standard retainer fee that the two men charged to virtually everyone who engaged them for legal work. Rarely did others receive discounts, though it may have been the case that ‘official’ rates were charged, and then later written off the books as uncollectible debts. Frequently, the two collected retainers when they appeared and were able to argue a suit already begun by the plaintiff and defendant. This was most obvious when they were riding circuit, and a breakdown of circuit income is available; in months when the men rode circuit, there is a bulge in income, which correlates roughly to their being retained by individuals as soon as they arrived at the court town, such as Beaufort.

[breakdown by fees paid]

[section on the fees collected on behalf of clients]

A lengthy portion of the second DeSaussure and Ford cash book is devoted to monies that were paid into the two men on behalf of their clients. These were received from the sheriff, who sometimes collected on their behalf, and sometimes came straight from the losing parties themselves. This money was kept in a locked drawer, in the top of

²⁶ Quotations from “Americanus,” *Constitutionalist*, 39-40, and “Phocion” *Letters*, 9, 18, cited in Jack P. Greene, “‘Slavery or Independence:’ Some Reflections on the Relationship Among Liberty, Black Bondage, and Equality in Revolutionary South Carolina,” *SCHM* 80 (1979): 204-5.

Henry William DeSaussure's desk, until it could be disbursed to his clients, or spent for their use. Multiple entries suggest that he served as a financial middleman of sorts, paying off the domestic bills of clients with grocers and factors, to whom they owed still more money, in addition to collecting his own legal fees.

There are a few preliminary conclusions that can be reached from this brief examination of the legal affairs of DeSaussure and Ford made a healthy living from their legal work, and their rising income level from 1786 through 1791 attests to this. In part, this was the result of their willingness to go out and ride both the northern and southern circuits which were created in the aftermath of the Revolutionary War, taking their expertise out of Charleston and building up a larger client base. Each of them appears to have ridden a different circuit, after that first venture in 1785, when they rode together: Ford took the northern circuit, DeSaussure took the southern. While one was absent, the other could maintain the firm in Charleston, providing legal services to those who might be in the city and need help.

The healthy nature of their firm is also attested to by their ability to take in nine apprentices during a ten year period—it would be the rare lawyer who could boast of such a gathering, and surely no students would be drawn to work in an office where few cases were being accepted, or the books and work were out of date. However, their income was exceeded by their joint lifestyle which continued to create rising expenses, and some expenses may have been linked to the need to appear as members of a certain social class. The purchase of the slaves Tom and Amelia certainly speaks to the need to keep up appearances, for DeSaussure himself had access to other slaves, his 'country' slaves, who could tend to the family's needs if necessity demanded. The decision to

purchase memberships in the St. Cecilia Society (musical appreciation), the Charleston Library Society (subscription library), the Hibernian Society (a social group), and pews at St. Michaels church were probably driven by similar concerns—the need to see and be seen by others who were members of Charleston’s elite. Although analysis of the types of cases they accepted is still incomplete, the pair appears to have taken on virtually every kind of work from debt and property conveyancing (the most common) to admiralty and criminal cases. Whoever approached them and could pay their initial fees seems to have been welcomed by DeSaussure and Ford.