During the American Revolution, the actions of individual South Carolinians who became personally involved in the movement for independence sometimes led to consequences of national significance. One of those individuals was Robert Farquhar of Charleston. In his short life of thirty-nine years, Farquhar experienced both personal tragedy and political tempests, and his actions in support of his adopted state would result in the new republic’s first constitutional crisis and the Eleventh Amendment.

Born in Bilbo, Scotland, to John and Elizabeth Chalmers Farquhar in 1743, Robert Farquhar had three younger sisters and a younger brother, John. With prospects in Scotland bleak and no money for higher education, he left his family and homeland for the opportunities offered in the American colonies. In 1760, at the age of seventeen, he arrived in Charleston. There, he became a merchant, ship’s owner and captain, and maritime trader, docking in ports from New York to Savannah and even farther afield in Bermuda, the Bahamas, and the Span-
ish Caribbean. He was soon able to send funds to his family in Scotland, allowing his brother to attend medical school and enter the British Indian Army with a purchased commission. In India, John Farquhar became wealthy from the manufacture of gunpowder. His death would later affect the lives and fortunes of Robert Farquhar's descendants.

In 1771, Farquhar married Elizabeth Fagan in Charleston. The couple's only child, Elizabeth Willoughby Farquhar, was born in December 1772. Less than a month later, however, Elizabeth Fagan Farquhar died, leaving her husband with their infant daughter, called Betsey. She was put in the care of Elizabeth Didcott, her maternal grandmother.

Farquhar's business dealings would put him right in the middle of the political turmoil soon to envelop the American colonies and their parent, Britain. Colonists, who more and more identified themselves as American patriots rather than loyalists to the Crown, began to take action. Citizens of Charleston responded to British economic provocations by forming a committee of thirty-nine planters, mechanics, and merchants to push for the nonimportation of British goods. One member of the committee was Theodore Trezevant Jr., from a third-generation Huguenot family. Originally a tailor, he had established a clothing manufacturing business and was contracted by the state of South Carolina to supply uniforms and military accoutrements for the patriot cause, first to the militia and then to the regulars. Farquhar, in turn, was engaged to procure the materials necessary for Trezevant’s enterprise. After Farquhar's death in 1784, his estate would end up in the hands of Theodore's son, Peter, who married Elizabeth Willoughby Farquhar.

As sentiments for independence increased, the First Continental Congress convened in Philadelphia in September 1774. In January 1775, the First Provincial Congress of South Carolina met at Charleston, with Theodore Trezevant Jr. among its deputies. On February 1, an association called the Council of Public Safety, a successor to the earlier committee of thirty-nine, was formed to further oppose the importation of British goods. The British then attempted to blockade American ports in order to prevent both the importation and exportation of supplies that would aid the cause of American independence. As a seafaring tradesman, Farquhar could easily become subject to suspicions among both patriots and loyalists. In fact, he was called before the council in January 1776 to explain why his schooner, the Lovely Betsey, had anchored in the Kiawah River. Farquhar appeared and stated that he was loading a cargo of rice for a Captain Morgan, which satisfied the council. Afterward, Farquhar continued to act as a blockade runner for the patriots, using the Lovely Betsey to evade the British.

The Second Continental Congress adopted the Declaration of Independence on July 4, 1776, just days after the British tried to seize Charleston but were defeated at the Battle of Sullivan's Island on June 28. As the war on land and sea expanded, Robert Farquhar continued his blockade running — until he was intercepted by a British cruiser off the coast of Georgia in October 1777. Peter Trezevant later described this event, which would have unexpected consequences:

**During the Revolutionary War, Mr. Robert Farquhar ... was on a voyage from one of the neutral West Indian Islands bound in a small vessel with a cargo of Cloths, Cottons, Linens, Blankets, etc. bound for Charleston, S. Ca. but when off the Coast of Georgia was pursued by a Cruiser. He ran into Tybee for safety, went up to the port of Savannah, reported at the Custom House, for permission to land his Cargo, & to transport it through the inland navigation to Charleston, but was refused as those articles were wanted for the use of the Army & Navy of the State of Georgia—the then Governor and Council appointed a Deputation to make a purchase of them which was declined by Mr. Farquhar, they then put an armed force on board of the vessel and told Mr. Farquhar that if he did not choose to make a sale of the said goods, that Messrs. Thomas Stone, Edward Davis [Davies] and other persons, names not now recollected, should proceed to discharge the cargo [sic], put their own price to each article which should be decisive as to the amount to be paid for said goods. Mr. Farquhar then determined to make the best bargain he could, with the Commissioners and the amount agreed upon was seven thousand five hundred and eighty six pounds ten shillings Stg pble [sterling payable] in a given date.**

The sale between Farquhar and Georgia's deputies, Stone and Davies, was contracted on October 31, 1777. Farquhar was to deliver the commodities to Savannah by December 1, at which time he would be paid. He made good on his word, but payment was refused, even after repeated appeals from him. In October 1777, under pressure from Farquhar, the Executive Council of Georgia authorized Stone and Davies to reimburse...
him for the goods commandeered in 1777 at the purchase price of £7,586. However, the two agents pocketed the money, so he never received any compensation.

As the Revolutionary War continued, Britain focused on taking control of southern ports. Savannah was seized in 1778, and the next goal was Charleston. In May 1780, the city fell to British occupation after a month-long siege, but the tide of the war soon turned in favor of the Americans. Still, even after the British surrendered at Yorktown in October 1781, the occupation of Charleston persisted. Fearing for his daughter’s safety, Farquhar asked the British lieutenant governor to be appointed guardian of nine-year-old Elizabeth, and she was placed under the care of a friend and evacuated to England in January 1782.

The House of Commons voted to end the war a few months later, but the occupation of Charleston did not come to a close until the following December. In March 1783, Robert Farquhar applied to become a citizen of the state of South Carolina. He took the oath of allegiance in April, probably to affirm his patriot stance against any claims of his being a loyalist. That same month, he made his will, naming Alexander Chisholm, a fellow Scotsman, as executor. Farquhar stipulated that an annual amount of twenty pounds be provided for his parents until their deaths. The remainder of his estate was to go to his daughter, Elizabeth. Also that year, Charleston businessman William Russell was banned as a Tory, and his holdings were confiscated and turned over to the commanders of the treasury. Since Russell was indebted to him, Farquhar applied for and received the deed for Russell’s property, including 5 Stoll’s Alley in Charleston. With this addition to his earlier purchases and land grants from the governor of South Carolina in 1772 and 1774, Farquhar now had extensive real estate holdings in and around the city.

But tragedy struck in January 1784, when Farquhar sailed on a voyage from Charleston to Savannah in an attempt to collect large sums owed to him by individuals as well as the state of Georgia from 1777. Reportedly, this very experienced ship’s captain was knocked overboard by the boom of a pilot boat and drowned, an accident that arouses suspicion. Not only was he a seasoned sailor, but those who owed him money would benefit by his death. He was buried in Savannah while his twelve-year-old daughter was still in England. As executor, Alexander Chisholm took over the management of Farquhar’s estate and became Elizabeth’s guardian. When Chisholm submitted a full accounting of the estate, it was clear that Farquhar was a wealthy man by the standards of his day. Beyond cash and personal possessions, he owned real estate, marine craft, and slaves.

Elizabeth Farquhar returned to America in December 1788. Nine months later, at the age of sixteen, she married twenty-one-year-old Peter Trezevant. Previously, in 1786, Peter Trezevant had sailed to England on a ship captained by his brother-in-law, William George Cross, an officer in the South Carolina navy during the Revolution. As the son of Theodore Trezevant Jr., Peter Trezevant was a well-educated young man for his time and would most likely have been aware of the fate of Robert Farquhar, his father’s acquaintance. It is possible that he met Elizabeth Farquhar while in England. Having married, Elizabeth inherited her father’s estate, including 5 Stoll’s Alley, and the young couple took up residence there in the brick home built by Justinius Stoll circa 1748.

Soon after, Trezevant learned that Chisholm had done nothing between Farquhar’s death in 1784 and his daughter’s marriage in 1789 to pursue his claim against the state. The House of Commons voted to end the war a few months later, but the occupation of Charleston did not come to a close until the following December.

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him. But Stone and Davies had already received the monies, so
the legislature refused to pay the Farquhar estate. Furthermore,
since Davies had died, and Stone was insolvent, they could no
longer be sued. Trezevant therefore directed Chisholm to file
suit against the state in the United States Circuit Court for the
District of Georgia. Meeting in Augusta in October 1791, the
court ruled in Farquhar’s Executor v. Georgia that an individual
citizen of one state (or in this case, his estate) did not have the
right to sue another state in federal court without its consent.

With Peter Trezevant’s backing, Chisholm carried the case
to the United States Supreme Court as Chisholm v. Georgia. For
the state of Georgia, the issue was maintaining its sovereign im-
munity from lawsuits brought by individuals from other states,
a crucial concern because of Revolutionary War debts. The Su-
preme Court convened for the hearing of the Chisholm case in
August 1792. The attorneys for the plaintiff were John Hal-
lowell and Edmund Randolph, the first attorney general of the
United States. Georgia had not put representation before the
court, so the plaintiff’s attorneys agreed to postpone the case
until February 1793. In a four-to-one decision handed down
on February 19, the Supreme Court reversed the circuit court,
ruling that the estate of Robert Farquhar did indeed have the
right to make a declaration against the state of Georgia. Less
than a month later, Peter Trezevant wrote directly to Vice Presi-
dent John Adams and the United States Senate requesting their
involvement in making sure that the funds owed by Georgia
would be covered. In December 1794, Georgia reached a settle-
ment with Trezevant regarding the Farquhar claim by issuing
him eight audited certificates to cover the £7,586 debt.

However, public sentiment in the states ran counter to the
Supreme Court’s position. In 1793, immediately after the deci-
sion, bills were introduced in Congress for an Eleventh Amend-
ment to the Constitution that would overrule the precedent in
future cases (the first ten amendments, the Bill of Rights, had
been adopted in 1791). These measures initially failed, but in
January 1794, they were reintroduced and passed. By Febru-
ary 1795, the requisite number of states had ratified the Elev-
enth Amendment, and after the addition of South Carolina in
1797, President Adams announced in January 1798 that the
amendment had become a part of the Constitution. Counter to
Chisholm v. Georgia, a citizen of one state could not sue another
state in federal court.

Throughout all of this historic litigation, Peter Trezevant
benefited from his father’s reputation and political connections.
He could rely on the legal expertise of his younger brother,
Lewis Crouch Trezevant, who had studied law under Charles
Cotesworth Pinckney and was admitted to the bar in 1791.
Lewis Trezevant was elected a state judge in 1799 and served
until his death in 1808.

As legal wrangling continued for decades over the certifi-
cates issued to Peter Trezevant by the state of Georgia, he was
also aided by three younger attorneys. The first was George War-
ren Cross, his nephew and the only child of Captain George
Cross. Cross studied law under Lewis Trezevant and was ad-
mitted to the bar in 1807, eventually becoming a member of
the South Carolina House of Representatives. The second was
Peter Trezevant’s eldest son, John Farquhar Trezevant, and the

Peter (top) and Elizabeth Farquhar Trezevant (directly above) had
thirteen children between 1790 and 1815. By the time the couple moved
to London in 1826, eight of their children still survived. Courtesy of the
author.
third was James Louis Petigru, also born in Charleston and sharing a Huguenot background. Both young men attended South Carolina College at the same time and were admitted to the bar in 1812. The following year, John Trezevant married Margaret Pepper Gignilliat, the daughter of James and Charlotte Pepper Gignilliat. His first law partner was George Warren Cross, and in 1820, he and James Louis Petigru became law partners. Unfortunately, John Trezevant died of “bilious fever” at the age of twenty-nine in 1821, leaving a widow and five young children. Petigru became the attorney general of South Carolina in 1822 and would continue to assist Peter Trezevant in settling the certificate issue with Georgia, a situation that was not resolved until 1847.

The career of Peter Trezevant had over the years involved much more than pursuing litigation. As a youth, he reportedly sold ship and pilot bread and then became a general merchant. His interests broadened to finance, and he negotiated securities. From 1799 to 1801, he served in the United States Navy as purser on the frigate John Adams, which was funded by Charlestonians, built for the navy in Charleston, and launched in 1799 under Captain George Cross. Trezevant worked as a discount clerk at the state bank, a drawback clerk at the customhouse, and a registering clerk of customs, in addition to being a notary public. He also supervised the finances of the South Carolina Society, a charitable organization that constructed its hall at 72 Meeting Street from 1799 to 1804. Despite his reputation as a bon vivant, Trezevant was a trusted and respected businessman.

Though Trezevant profited from his own endeavors and was never truly poor, he clearly benefited from his wife’s estate. The couple inherited their home at 5 Stoll’s Alley, which they expanded with a frame addition in 1809. And the records show that he could afford to hire prestigious lawyers during his long periods of litigation.

Still, the lives of Peter and Elizabeth Trezevant changed dramatically in 1826, when Elizabeth’s wealthy, unmarried uncle, John Farquhar, died in London. As the eldest of his nephews and nieces, Elizabeth Trezevant inherited the bulk of his estate, which was resolved in 1836 after more litigation driven by her husband. In the case against her first cousins, Trezevant v. Mortimer, she was represented by the King’s solicitor, and the claim was settled in the House of Lords by the Lord Chancellor. The Trezevants took full advantage of their new wealth by living a life of luxury at 31 Chester Terrace in London’s elegant Regent’s Park. They provided for their young and unmarried children who accompanied them to England and continually sent goods and funds to their married children remaining in the States. Elizabeth Farquhar Trezevant died at 31 Chester Terrace in 1845, and Peter Trezevant died in Brighton in 1854.

The wheel of immigration had come full circle. Robert Farquhar left Britain to make his way in America, supported the American Revolution, and ended up providing the genesis for the Eleventh Amendment to the United States Constitution. Peter and Elizabeth Trezevant, after inheriting from both Farquhar and his brother, John, could afford to leave America to enjoy life in Queen Victoria’s London. Even before acquiring great wealth, Peter Trezevant was already accustomed to enjoying himself. As Mary R. Dockstader reported about his life in Charleston: “One day a week it was his custom to repair to the market and invest all his funds of the moment in a choice sheepshead, or cavalli, along with a bottle of wine. Then in a spirit of true Gallic hospitality and light-heartedness he would invite a friend to dine and become, for that brief interval, a gentleman of substance.” Noting Trezevant’s reaction to his wife’s good fortune, A. S. Salley Jr. wrote, “He is said to have remarked that he had been poor all his life, but that thereafter he expected to live on turbot, and it is also said that friends who afterwards dined with him in England found him living up to his expectations.” To a friend visiting from Charleston, Trezevant himself observed, “Not much like Stoll’s Alley, eh?”

Robert W. Trezevant is a retired elementary school teacher with a lifelong interest in family history, especially as related to Charleston. He is a member of the Huguenot Society of South Carolina, the Historic Charleston Foundation, and the South Carolina Historical Society. Documentation for this article can be found on his website, www.trezevantfamilyproject.com. His wife, Katherine Gervais Trezevant (1936–2004), was a descendant of John Lewis Gervais and Nathaniel Lebby. The website contains biographical sketches pertaining to the Farquhar, Gignilliat, Trezevant, Gervais, and Lebby families as well as timelines for Chisholm v. Georgia and 5 Stoll’s Alley.

The SCHS is grateful to the author for his donation of Trezevant family legal papers to our archives. These include a timeline of events covering 1769 to 1826, a copy of the will of John Farquhar, an 1840 deposition by Peter Trezevant, and the document pictured on page 15.