



WILLIAM DRAYTON Sr. (21 March 1732-18 May 1790)<sup>1</sup>

Was William Drayton, Chief Justice of East Florida, a British Loyalist or an American Patriot? Could he have been both? The different loyalties of Drayton men were manifested later during the Civil War, when his grandsons, General Thomas Fenwick Drayton, who fought for the Confederate Army, and grandson Percival Drayton, a captain in the United States Navy, “commanded opposing forces in the battle of Port Royal, South Carolina.” Captain Percival Drayton won that battle.<sup>2</sup> The challenge of choosing a side appeared to be a recurring issue within the Drayton family. The Daughters of the American Revolution list William Drayton as a “JURIST & PATRIOT.”<sup>3</sup>

Drayton was born on his father’s Magnolia Plantation, located on the beautiful Ashley River near Charleston, South Carolina. His father was Thomas Drayton (abt 1700-abt-1769) and Elizabeth (Bull) Drayton (1712-aft-1745). They were married in 1730 when Elizabeth was eighteen and Thomas was thirty.<sup>4</sup> His great-grandfather, Thomas Drayton, was an adventurer who left England with a group of the men who established Barbados. In 1679, Thomas left Barbados sailing almost 1,700 miles to become the founder of the Drayton name in South Carolina.<sup>5</sup>

William Drayton would have grown up within the top rung of British society. He would have been around enslaved people beginning as a child and taught from an early age that Black people were different and were best utilized as laborers. When he was born the British slave trade was well-established and highly lucrative. British ships left from Liverpool, Bristol and London loaded with manufactured goods, textiles, firearms and alcohol used to trade for enslaved human beings held captive by corrupt African rulers or European slave traders. The men, women and children, were chained to each other on the vessel for the many times treacherous passage across

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<sup>1</sup> [Judge William Drayton Sr. \(1732-1790\) - Find a Grave Memorial](#)

<sup>2</sup> [William Drayton - Wikipedia](#) website 10/01/2024

<sup>3</sup> [DAR Genealogical Research Databases](#) website 10/02/2024

<sup>4</sup> [Elizabeth \(Bull\) Drayton \(1712-aft.1745\) | WikiTree FREE Family Tree](#) website 10/01/2024

<sup>5</sup> [William Drayton \(March 21, 1732 — May 18, 1790\), American judge, lawyer | World Biographical Encyclopedia \(prabook.com\)](#) website 09/29/2024

the Atlantic Ocean, then sold to the highest bidder. There is not much worse one man can do to another man other than kill him.

Drayton would have been seven years old when the Stono Rebellion<sup>6</sup> in South Carolina occurred. He may not have fully understood what was happening, but he would have certainly noticed the concern of his father and others on the plantation. During the Stono Rebellion (1739), a group of enslaved people fought to escape the brutal conditions of South Carolina plantations by marching toward Florida, where freedom awaited under Spanish rule. Their numbers grew to about 100, and they made it as far as the Edisto River. “Over the course of the next two days, the militia and Native American Indian allies tracked down around 40 escapees and executed them.”<sup>7</sup>

The South Carolina Assembly responded to the Stono Rebellion in 1740 by passing the ‘1740 Negro Act’ which severely limited the freedoms of both enslaved and free Black people in South Carolina. The changes restricted slave activity and prohibited owners from teaching them to read or write.”<sup>8</sup> South Carolina slave owners did not want their enslaved people to be educated in any fashion. This was the attitude of many slave owners throughout the British colonies. Such an autocratic policy is being proposed in many nations today. The rebellion's legacy is acknowledged through various historical markers and educational initiatives, which highlight the deep ties between the Stono River region and the broader story of slavery in the United States.

Stono appears again in a newspaper article 4-years later that mentions William Drayton’s name. “Brought to the Work-houfe. April 19. A young Angola negro fellow who calls himself July, and fays he belongs to William Drayton, Efq; has on white negro cloth jacket, breeches, and boots. Taken up at Mr. Francis Younge’s plantation, at Stono.”<sup>9</sup>

Historically, kings and dictators have sought to keep their subjects in a state of fear and limited education. Socrates (469 BC-399 BC) said, “There is only one good, knowledge, and one evil, ignorance.”<sup>10</sup> According to comments attributed to Socrates on AncientPedia,<sup>11</sup> “He believed that only by systematically educating people could democracy avoid descending into mob rule. Voting was a skill that needed to be taught, not an intuition to be left to chance.”

South Carolinians consistently enforced some of the most severe policies toward enslaved individuals. During the British Period, (1763-1784) St. Augustine was notably influenced by many men from South Carolina, who played a key role in shaping the city's perspectives on race and governance. As a prosperous colony, South Carolina had wealthy men eager to expand into East Florida, establishing plantations reliant on enslaved labor.

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<sup>6</sup> [Stono Rebellion, Summary, Facts, Significance, APUSH \(americanhistorycentral.com\)](#)

<sup>7</sup> Ibid

<sup>8</sup> Ibid

<sup>9</sup> *The South Carolina Gazette* (Charleston, South Carolina) Sat, Apr 30, 1763-Page 2

<sup>10</sup> *The Quotation Page*, [Quote Details: Socrates: There is only one... - The Quotations Page](#)

<sup>11</sup> [Socrates and Democracy: A Critical Look | AncientPedia](#) website 10/03/2024

William Drayton studied law at the Middle Temple, London, “as was the case with the best trained American lawyers of his time.”<sup>12</sup> The Middle Temple was built by the Military Order of the Knights Templar before 1312.<sup>13</sup> After graduating, he returned to South Carolina in 1754.<sup>14</sup> For a South Carolina colonist, this education provided the qualifications and credentials to hold legal office, such as serving as a judge, lawyer, or legal adviser signifying a privileged legal background. Young Drayton must have been tutored by very well-educated teachers in his youth for him to graduate from the Middle Temple at the age of twenty two.

William Drayton married Mary Motte on October 4, 1759. Mary was born on January 8, 1740. She died on May 19, 1778 at Ramsgate, Thanet District, Kent, England and is buried at St. Laurence Churchyard.<sup>15</sup>

During her 19 years of marriage to William, she gave birth to many children. “William (born July 6, 1760 in South Carolina and died May 9, 1764); Elizabeth (born August 16, 1761 and died young); Jacob (born November 20, 1762 and died August 11, 1806 in Charleston); Hannah (born March 18, 1764); Mary Charlotte (born August 19, 1766); William Percival (born September 30, 1768 and died May 23, 1769); Sarah Motte (born May 29, 1773 and died July 9, 1843 in Philadelphia); Thomas (born 1775 and died July 1, 1794); and William (born October 20, 1776, died January 17, 1846 in Philadelphia).”<sup>16</sup>

Some records suggest that William and Mary Drayton had nine children, but this author has only been able to confirm eight. It appears that Jacob and Hannah likely accompanied their parents to St. Augustine when their father assumed the role of Chief Justice. Mary Charlotte, born in 1766, may have been born in St. Augustine if Drayton had moved his family from Charleston. The eldest two children, William and Elizabeth, had passed away before his appointment. Jacob, Hannah, and Mary Charlotte seem to have been the surviving older children at the time of the move to St. Augustine. William Percival died in 1769. Sarah Motte and Thomas would also have been part of the family during Drayton’s final years in East Florida.

The Drayton family maintained a strong connection to Philadelphia, where William Drayton Sr. passed away. However, he is buried at Magnolia Plantation in St. Andrews Parish, Charleston, South Carolina.<sup>17</sup> It seemed unusual that William was buried in Charleston while his wife, Mary, is buried in England until it was shown that “He married Mary De La Motte in 1753, in London, England.”<sup>18</sup>

William Drayton practiced law in Charleston, South Carolina, until Governor James Grant appointed him interim Chief Justice of East Florida in 1765, following the death of James Moultrie, the first Chief Justice and brother of Lt. Governor John Moultrie. Governor Grant recommended Drayton for the permanent position, but the appointment was given to William

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<sup>12</sup> *THE HISTORY OF AN OLD PHILADELPHIA LAND TITLE* by John Frederick Lewis-Philadelphia-1934 PP 174-176

<sup>13</sup> [Inner Temple - Wikipedia](#) website 10/02/2024

<sup>14</sup> *THE HISTORY OF AN OLD PHILADELPHIA LAND TITLE* by John Frederick Lewis-Philadelphia 1934-PP 174-176

<sup>15</sup> [UK and Ireland, Find a Grave® Index, 1300s-Current - Ancestry.com](#)

<sup>16</sup> [The Florida historical quarterly.pdf \(flvc.org\)](#) website 10/02/2024

<sup>17</sup> [Judge William Drayton Sr. \(1732-1790\) - Find a Grave Memorial](#)

<sup>18</sup> [William Drayton \(1733–1790\) \(familysearch.org\)](#) website 10/03/2024

Grover, who had been suspended as Chief Justice of Georgia in 1762. However, Grover tragically died in a shipwreck while traveling to St. Augustine from England,<sup>19</sup> allowing Drayton to continue serving as interim Chief Justice. “Drayton’s mandamus conferring the appointment, dated 10 February 1767, was presented to the Council on 1 February 1768, when he took the oaths a second time as chief justice and councillor.”<sup>20</sup>

Prior to receiving notification from Governor Grant to become chief justice of East Florida, he was serving as Justice of the Peace, Berkeley County, South Carolina, 1756-1763.<sup>21</sup> During this time as a young lawyer, he was active in civic affairs. For instance, the Charleston newspaper mentions him writing, “Any persons willing to engage the materials for rebuilding the parish church of St. Andrew; and workmen who will undertake to finish the infide, are desired to fend in the proposals to WILLIAM DRAYTON.”<sup>22</sup>

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William’s Uncle John Drayton was one of the richest men in South Carolina. At his death his estate was valued at over £100,000 sterling. He owned other plantations besides the Magnolia that he bought from his nephew William Drayton. He owned over 500 slaves.

“John erected a mansion adjoining “Magnolia,” which he named “Drayton Hall,” and which is still standing,—the one important Colonial Mansion in that part of South Carolina to survive the ravages of the Civil War. Lord Cornwallis occupied “Drayton Hall” in 1780–1781, during the Revolution, and doled out daily rations to those of the family and their dependents who remained at home.”<sup>23</sup>

Like many wealthy men from South Carolina who established plantations in East Florida, William Drayton acquired a plantation and other parcels of land during his tenure as Chief Justice. He understood the importance of building an economic foundation for the province's long-term survival. However, his passion for the law far surpassed any interest in managing a plantation. Drayton Island,<sup>24</sup> approximately 1,700 acres, in Putnam County, Florida was one of William Drayton’s plantations. It was later owned by Zephaniah Kingsley, an outstanding person of great intellect and character. His treatment of African Americans was very progressive and not in keeping with the racial attitudes of Europeans during this time.

Although born in America, Drayton’s deep knowledge and love for British law seemed to be his true calling. He was part of the group that pushed for a colonial government that followed a structure combining local self-governance with oversight from the British Crown. None of the three governors of East Florida was anxious to form a general assembly. Near the end of the

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<sup>19</sup> *The Enigma of William Drayton* by Charles L. Mowat-JSTOR

<sup>20</sup> Wikipedia website 10/02 2024

<sup>21</sup> [Judge William Drayton Sr. \(1732-1790\) - Find a Grave Memorial](#)

<sup>22</sup> *The South Carolina Gazette* (Charleston, South Carolina) Sat, Apr 23, 1763-Page 3

<sup>23</sup> *THE HISTORY OF AN OLD PHILADELPHIA LAND TITLE* by John Frederick Lewis-Philadelphia-1934 PP 174-176

<sup>24</sup> [Drayton Island - Wikipedia](#) website 10/04/2024

British Period (1763-1784), Governor Patrick Tonyn, under pressure from William Drayton, Andrew Turnbull, and their allies, established a general assembly in 1781.

William Drayton was Chief Justice, James Grant was governor and William Moultrie was lieutenant governor when Andrew Turnbull was traveling throughout the Mediterranean, recruiting laborers needed in “settling a Greek colony in that Province,”<sup>25</sup> 70 miles south of St. Augustine. Little did William Drayton know that Turnbull and Moultrie would play such a significant role in his life in East Florida, or that he and Turnbull would have to sneak out of St. Augustine in 1776 and sail to England to plead their cases against Governor Tonyn.

It is unlikely that Drayton and Turnbull met before Turnbull's arrival in East Florida, when he disembarked 1,225 colonists from eight ships after a 70-day voyage from Port Mahon, Minorca. It was a long and arduous task for Turnbull to gather his indentured servants.

“Four of the ships dropped anchor in St. Augustine on June 26, 1768, a trip of two and a half months.”<sup>26</sup> The final ship did not arrive until early August, and by the end of the month, a rebellion had erupted in the Turnbull colony, involving Chief Justice Drayton in his first case dealing with murder, piracy, and the killing of a cow.

A Grand Jury was convened in St. Augustine following the rebellion, which was led by Carlo Forni. Three men were sentenced to death, but under British law, one of the condemned could receive a pardon by becoming the executioner. This is precisely what occurred. Bernard Romans provides an account of these events in his book *A Concise Natural History of East and West Florida*.

In 1771, there was animosity between Acting Governor Moultrie and William Drayton. In an October 28 letter from Turnbull to Governor Grant he tells the governor that Drayton resigned his ‘seat in council’ (Royal Council). There was also animosity between Moultrie and Andrew Turnbull who had vigorously complained about Indian raids, but his stories did not add up because instead of an attack, Turnbull said he invited the Chiefs into his house, gave them food and drink and “they went away not hungry.”

William Drayton tried to bring Turnbull and Grant back together as friends after Turnbull did not receive the appointment for Lt. Governor of East Florida. Turnbull felt it was Grant’s fault. However, Grant had been in battles with Moultrie under his command during the French and Indian Wars so he had great confidence in Moultrie’s ability. It seems to be a case of Grant not being against Turnbull, but being for Moultrie when it came to this appointment. Grant had been totally supportive of Turnbull even before the Minorcans arrived at the New Smyrna colony and throughout the time the governor was in East Florida.

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<sup>25</sup> The Letters of Dr. Andrew Turnbull-Circa July 1766. [The-Letters-Of-Dr-Turnbull-pdf-SEARCHABLE.pdf \(minorcans.com\)](#)

<sup>26</sup> *Mullet On the Beach*, Patricia Griffin. Page 28

In August 1773, William Drayton was charged with “delaying the (king’s) service by not having delivered the presentments of the grand jury sooner than he did.”<sup>27</sup> Turnbull’s letter in support of Drayton shows a friendship between these two men.

While all of this was going on in St. Augustine, Chief Justice Drayton was also involved in selling “SIXTY VALUABLE NEGROES, moftly Country born, among them Carpenters, Coopers, Houfe Negroes, handy Boys and Girls, belonging to the Eftate of the deceased (John Drayton).”<sup>28</sup> William Drayton and Alexander Rose were the Executors of the estate. (Note: This newspaper article shows John Drayton died in 1774 and other data shows his death in 1779. Historical inconsistency.)

As a matter of fact, one source noted: “In 1779 the British army arrived at Drayton Hall. In anticipation of their arrival, and the destruction they wrought, John and his family packed what they could and left. While crossing the west branch of the Cooper River at Strawberry Ferry, John suffered a seizure, died, and was buried in an unmarked grave. At his death, Rebecca inherited Drayton Hall.”

In December, 1774, Reverend John Forbes wrote James Grant, “Mr. Drayton has gained control of the Doctor [Turnbull] and some others to the side of liberty. The others are as you left us. These two gentlemen were not made for quiet. Jonathon Bryan of Georgia has under their patronage and assistance had in agitation a scheme of purchasing Latchaway from the Indians. While you was governor they were afraid of you. Bryan has now obtained a lease of all the land unceded to the King from the Indians in this province, including Latchaway, Apalache & etc., amounting to four or five million acres.”<sup>29</sup>

The illegal land dispute involving Jonathan Bryan became a significant source of tension between Governor Patrick Tonyn and Drayton and Turnbull. Reverend Forbes' statement strengthens the notion that both Drayton and Turnbull supported the formation of the United States. It is arguable that they leaned toward the Patriot cause, as evidenced by their decision to remain in Charleston after the war.

After their arrival in South Carolina, Turnbull was embraced by the community for his medical skill, serving on several boards. Drayton's passion for the law was reflected in his judicial appointments, including receiving a personal letter dated November 18, 1789, from President George Washington appointing him Judge of the District Court for South Carolina.<sup>30</sup>

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This communique from Governor Tonyn to Lord Germain<sup>31</sup> demonstrates that the Minorcans reported the harsh conditions and murders at the colony even before their formal depositions

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<sup>27</sup> Andrew Turnbull letter to the Reverend John Forbes(copy to James Grant) August 10, 1773 [The-Letters-Of-Dr-Turnbull-pdf-SEARCHABLE.pdf \(minorcans.com\)](#)

<sup>28</sup> *The South-Carolina and American General Gazette* (Charleston, South Carolina) Fri. May 13, 1774-Page 1.

<sup>29</sup> Reverend Forbes to James Grant, Dec 28, 1774. [The-Letters-Of-Dr-Turnbull-pdf-SEARCHABLE.pdf \(minorcans.com\)](#)

<sup>30</sup> National Archives-Founders Online [From George Washington to William Drayton, 18 November 1789 \(archives.gov\)](#) website 10/04/2024

<sup>31</sup> Ibid

were given before a court. Some authors, biased against Governor Tonyn, have questioned the validity of these depositions, suggesting errors in the interpretation of the Catalan language. However, this author believes that these sworn statements shown in transcribed depositions are valid.

One noted author observed that the men who gave depositions were predominantly Greek and Italian, and therefore did not fully represent the broader experiences of the colonists. The author suggested that those chosen to testify were carefully selected to justify the exodus from New Smyrna, implying their accounts might not have reflected the sentiments of the entire colony. She pointed out that Turnbull's response was that the treatment was not as harsh as the testimony claimed, and, if there was harsh treatment, it came from the overseers. That author concluded that the truth likely lies somewhere between the accounts of the Minorcans and Turnbull.

However, Jane Quinn writes, “Colonial records indicate that the first Minorcan appeal was made to Governor Tonyn in March, 1777. Then ninety came to Saint Augustine in May to reinforce the complaints voiced by earlier representatives of the Minorcan settlers. The ninety who visited Tonyn in May seeking justice were heard. Henry Young, Jr. attorney general of the East Florida province, and also an attorney for Turnbull, discovered there were ninety ready to give depositions on their treatment at New Smyrna. He assigned the task to eighteen of their number and the others returned to the plantation to reap the last crops.”<sup>32</sup>

Governor Tonyn assigned Chief Justice William Drayton to oversee the Minorcan complaints and situation, but Drayton did not respond to the request. Ultimately, it was the Attorney General and Turnbull’s lawyer who were in charge of hearing the sworn depositions. It seems highly unlikely that Turnbull's own attorney would manipulate the depositions in a way that would cast his client in a negative light.

There is much more to be written about Chief Justice William Drayton. While he may not have maintained a day-to-day or even month-to-month relationship with the Minorcans, he was in constant connection with the man who controlled them at the New Smyrna colony, making him a significant figure in the Minorcan story.

He lived a full and remarkable life in only 58 years.<sup>33</sup>

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<sup>32</sup> *Minorcans In Florida - Their history and heritage*. Jane Quinn. Page 66

<sup>33</sup> [Judge William Drayton Sr. \(1732-1790\) - Find a Grave Memorial](#)

