

JOHN WATERS
(1771 - 1835)

Submitted by

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At the time of his death in 1835, John Waters was a successful planter and landlord and perhaps one of the wealthiest men in Savannah. He owned both a cotton plantation and a rice plantation as well as numerous city tenements. He was a well-respected citizen, serving numerous terms on the Grand Jury and on the County Board of Health, but more than once refused to be a candidate for city alderman. Ironically, he seemed to possess a curious lack of regard for legal and civic issues; in one well-publicized case blatantly disregarding a city ordinance which ran contrary to his interests. He married twice, survived both wives, and was himself survived by three daughters.

John Waters was born June 27, 1771, the son of Sinclair and Tamer (Oates) Waters. His father was a tailor, opening a shop with a Mr. Dean in Savannah in 1769.¹ He and John's grandfather, John Oates, were Tories and in 1780 signed a petition to King George pledging their allegiance to the Crown and thanking him for sending troops to protect the colony and restore order.² Unfortunately, not much is known of John's early life. His obituary states that he was a native of Scotland, coming to this country at the age of seven.³ This is not independently verified and, at best, is questionable.

It is not known exactly when, but John married Elcy(or Alice) Cropp, the daughter of a Skidaway Island planter and his wife, John and Sarah Cropp. The Cropps died in 1796 and 1803 respectively, and it is probably through their deaths that their cotton plantation came to be in his hands. It is on the plantation that he and Elcy

buried their fourteen-month old son, Thomas B. Waters, on Christmas Day, 1804. Four years later, on March 17, 1808, Elcy, at the age of 26, died in childbirth at their home on Broughton Street. John had her body taken to the plantation and buried next to their son.⁴ Their graves now lie in a small walled plot on the Oakridge golf course at the Landings on Skidaway Island. Seven years passed and John Waters married again, this time to the widowed Sarah Tiot on November 30, 1815 in a ceremony performed by the Reverend Kollock of Independent Presbyterian Church of which Mr. Waters was a member.⁵ It was common in those days, especially for a widow with property on the brink of re-marriage, to make a marriage settlement. Sarah Tiot^{did} this by conveying to her step-son Charles Tiot, Jr., for the amount of five dollars, her property in town and her slaves.⁶ Unfortunately, four years later, two days before Christmas no less, on December 23, 1819, a separation agreement was filed at the courthouse. "Due to diverse disputes and unhappy differences that for several months past^{have} arisen" John and Sarah decided to live separately.⁷ This was termed a separation but it was tantamount to divorce as each party agreed to have nothing further to do with the other.

Waters, for all the respect and regard he would eventually attain as a leading citizen, at times seemed to possess a curious lack of regard for legal and civic issues. On at least three occasions, beginning as early as 1793, he appeared on published lists of those persons failing to file tax returns on taxable property. On one of those occasions he was notified that unless the tax was paid, a portion of his land would be sold in order to

satisfy the debt.⁸ On at least four different occasions he disregarded jury summons. One of these so incurred the wrath of the coroner who had summoned Waters as a juror on inquests, that he published in the newspaper that unless an excuse, "if any be had", was filed with the clerk of Superior Court within ten days a complaint would be issued against him.⁹ In 1824 and 1829 his name was put forth as a candidate for city alderman, but on both occasions he refused to be a candidate, having the local newspaper print a statement to that effect.¹⁰ He was sued in Superior Court for failing (or refusing, it is not clear which) to repay a note in the amount of one thousand dollars. The judge found for the plaintiffs but Waters was required to pay only a tenth of that amount.¹¹ In spite of all of this, John Waters became a well-respected citizen in Savannah. Between 1810 and 1830 he served seven terms of the Grand Jury, six of those terms in a period of ten years. He was elected Fire Marshall of Liberty Ward in 1807 and for four straight years from 1822 through 1825, was named to the Board of Health representing Liberty Ward. In 1807, he was admitted into membership of the Union Society, an organization founded to support and educate orphaned boys.¹² In 1825 he became a member of the St. Andrews Society, an organization celebrating Scottish ancestral ties.¹³ The year before his death, he was present at the founding of the Union and States Rights Party of Chatham. After that initial meeting, he was among a group entertained on board the Constitution, which was in port, and made a toast to the captain and to the United States.¹⁴

Waters did not begin earning a living as a planter. He was a shopkeeper in Savannah and in 1800 was one of a short list

of the only persons in town obtaining a "license to retail spiritous liquours in the city of Savannah".¹⁵ He began purchasing property and renting retail and residential space. Tax digests reveal that he owned, in the city proper itself, properties valued at \$15,000. Outside of the city, he owned a cotton plantation on Skidaway Island, which had grown to 330 acres by 1832, a rice plantation along the Savannah River, and between 200 and 300 acres in McIntosh County.¹⁶ Interestingly enough, the deed records reveal he also purchased a fair amount of acreage in Fair Lawn Tract, located in west Savannah, approximately where the Georgia Ports Authority is now located. This land is not found represented in the tax records and only a portion of it is recorded as being sold.¹⁷

By 1830, Waters owned over one hundred slaves, but this number fluctuated over the years and continued to do so with the various purchases and sales of slaves.¹⁸ There is some evidence which exists that indicates he may have attempted to keep slave families together.¹⁹ The great majority of the slaves, of course, were divided between the two plantations. The cotton plantation, which expanded by one hundred acres or so during the time he owned it, must have been somewhat of a headache to him for he apparently could not get, or perhaps, keep, an overseer. In the twenty-one years between 1811 and 1832, he advertised nine times for an overseer, the longest period of time between "help wanted" ads being seven years. In October, 1832, he placed the cotton plantation up for sale, offering "300 acres of prime high and low land. . . with buildings sufficient for 30 negroes" but as of 1835 the land was still his.²⁰

Through a series of events beginning in 1825, John Waters became embroiled in a legal battle with the city council over the cultivation of rice on his rice plantation. It is this battle, which wound up in court, which would still be referenced by the Savannah Morning News over forty years after his death.

As the state legislature met in Milledgeville, Georgia in November, 1825, Waters requested a motion be placed on the table which would give him permission to cultivate rice in the vicinity of the city of Savannah. Certain resolutions of the Savannah Board of Health relating to dry culture, were attached to the motion.²¹ The following February, Waters petitioned the city council for permission to put under wet culture fifteen to twenty acres on his plantation for the cultivation of rice, maintaining that the land could not be put under dry culture that year. The petition was referred to the Dry Culture Committee.²² One month later, the committee made a report against granting Waters permission to put the land under wet culture and the city council adopted its recommendation.²³ The council lodged twenty warrants against Waters and fined him up to \$2,000 for growing rice in disobedience of a city ordinance.²⁴ Waters filed suit against the city and the court granted a stay of the ordered fine until the suit was resolved. From the city's standpoint, the case revolved around the question of its power to enforce its ordinance which was based on the laws passed by the state legislature. In the meantime, Waters' admittance of tides into his rice plantation had an adverse effect on the fields of his neighbor and this was cited by the city as an example of his blatant disregard for his fellow citizens and

his opposition to the law of the state and city. The case eventually went before Judge Wayne and the result was considered unfavorable to the city.²⁵ Waters promised the land would be in dry culture in the future in exchange for compensation.

In 1877, the city purchased this land which was described as being three-quarters of a mile from Randolph Street, next to and extending from the Atlantic and Gulf Railroad wharf, and bordered on the east by a bluff and high land running from the Catholic Cemetery to the Savannah River. This property then would have bordered on or included Brewton Hill. It seems likely that Waters Road would have been named for this John Waters as it would have originated in what once had been Waters' Rice Plantation.²⁶

John Waters died of bilious fever on September 15(or 16), 1835 in his home at the corner of State and Barnard Streets.²⁷ He was apparently buried in Colonial Cemetery and in 1859 his family had his remains transferred to Laurel Grove Cemetery where he is interred in a brick vault.²⁸

Waters was survived by three daughters, Eliza Waters, Jane Bruen, and Harriett Bryan. Jane Bruen married John Bruen March 21, 1823, was widowed three years later, and was still widowed at the time of her father's death. Harriet Bryan married Alexander Bryan February 10, 1824 and they were wed for forty-three years before his passing in 1867. She died in 1882 at the age of 82 and both she and her husband are buried in the Waters vault at Laurel Grove Cemetery.²⁹ His third daughter, Eliza, never married, living in the family home at State and Barnard Streets which her father had willed to her. Her reclusiveness was well known in Savannah at the time and the story behind it conjures up images of Dickens' character, Miss Havisham, in Great Expectations.

It seems Eliza had once been engaged to be married but that her father disapproved and the engagement was broken. That blow, which devastated her, coupled with the death of her father and that of her "intended" shortly thereafter, so affected her that she closed herself off from society. Supposedly, she was never seen on the street again and no window was ever seen open from 1851 until her death in 1865. The story goes that when General Sherman's troops occupied the city in 1864, they became curious about the house that stood all shut up. When they entered the house to see what secrets lay within the dust was reportedly so thick they could hardly move and the window panes so stained one could not see through them. In the house they found only the old woman attended by a few faithful servants.³⁰ Eliza died in 1865 at the age of 70 and is buried along with her father and sister at Laurel Grove Cemetery.³¹

John Waters' obituary states he had placed himself in "easy circumstances".³² Although discussions of such matters may have been more genteel in his day, this is understating the case. He was certainly quite wealthy by the standard of the day. An audit and valuation of his estate completed shortly after his death and an examination of tax records reveal his estate was worth over \$122,000.³³ Translating that into current valuation, he would be a millionaire several times over. The will file reflects that the estate, by 1884, nearly fifty years after his death, was still unsettled and had its third successive trustee.³⁴

Unfortunately for us, there did not turn up in the research any personal papers of John Waters, such as a personal letter, which would give us a real insight, or even much of a clue, to his personality and character. The handwritten items that are available for one to see are deeds, bills of sale, and like items.

It is my conclusion, based on the information collected concerning, professionally, the wet culture issue, and privately, his relationships with his second wife Sarah Tiot, and his daughter Eliza, that he possessed a very strong personality, perhaps to the point of being domineering. Such a personality might have served him well in his business dealings and, conversely, served him poorly in his personal relationships. Perhaps Mark Twain said it best and most truthfully . . . "Biographies are but the clothes and buttons of the man - the biography of the man himself cannot be written."³⁵

NOTES

1. Georgia Gazette, November 29, 1769, p.2, c.2.
2. Allen D. Candler, comp., Colonial Records of Georgia(1937), vol. XXXVIII, part 2, 314.
3. Georgian, September 22, 1835, p.3, c.1. Both the obituary and his death record state he was a native of Scotland, and the obituary says he came to this country at the age of seven. Both also put his age at 66 years, making the year of his birth 1769. His tomb states the date of birth as June 27, 1771 but regardless of the year, we know his father was in Savannah in 1769 and in 1780. It is possible that Tamer was in Scotland and that she and John joined him years later in Georgia but the fact that her father, John Oates, was also here makes this seem unlikely. A search of the passenger and immigration lists turn up no records of a Tamer or Sinclair Waters coming to the U.S. in the 1770s. The National Archives advises that that is not sufficient evidence that they did not arrive during that time because the colonial authority system had broken down so extensively records may not have been adequately kept.
4. Columbian Museum and Savannah Advertiser, March 25, 1808, p.3, c.3.
5. Georgia Marriage Licenses - Chatham County, 1806-1830, (Probate Court Records, Chatham County, GA Courthouse) p. 261.
6. Deed Book 2F, folio 346, (Superior Court Records, Chatham County, GA Courthouse).
7. Deed Book 2I, folio 431, (Superior Court Records, Chatham County, GA Courthouse).
8. Republican and Savannah Evening Ledger, February 11, 1813, p.4, c. 5.
9. Republican and Savannah Evening Ledger, August 30, 1808, p.3, c.3.
10. Georgian, August 24, 1824, p.2, c.1.
Savannah Georgian, August 6, 1829, p. 2, c. 5.
11. Judgement Books, 1782 - 1911, (Georgia Historical Society), case # 4321.
12. Minutes of the Union Society (Savannah: John M. Cooper & Co. [1860]) 17 (of membership list).
13. St. Andrews Society of Savannah, GA, 1750 - 1950, p.74.
14. Georgian, October 14, 1834, p.2, c.2.
15. Columbian Museum and Savannah Advertiser. January 3, 1800, p.2, c.5.
16. Tax Digest - Chatham County, 1833, 1835, (Georgia Historical Society).
17. Deed Book 2A, folios 334, 421
Deed Book 2D, folio 178
Deed Book 2I, folio 89 (Superior Court Records, Chatham County Courthouse)

17. (continued from previous page)
Deed Book X, folios 411, 424,(Superior Court Records, Chatham County, GA Courthouse).
18. 1830 Census of Georgia(Georgia Historical Society),260-283.
19. John Waters Will file # 167,(Probate Court Records, Chatham County, GA Courthouse)pp. 911,914.
20. Georgian, October 23, 1832, p.3, c.2.
Tax Digest - Chatham County, 1835(Georgia Historical Society)
21. Savannah Republican, November 21, 1825, p.2, c.4.
Savannah Georgian, November 22, 1825, p.2, c.2.
22. Savannah Georgian, February 17, 1826, p-2, c-1.
23. Savannah Georgian, March 18, 1826, p.2, c.1. It is this reference that had me believing for weeks that the rice plantation was in Fair Lawn Tract in west Savannah along the river. The report mentions that his land was at the western extremity of the city. It may be that the newspaper also had the properties confused. In another reference in 1877, however, the property is located as being in eastern Savannah bordering Catholic Cemetery.This reference of March 18, 1826 is curious to me for the error and although I believe the property actually was in east Savannah, I do not feel entirely comfortable about this contradiction.
24. Savannah Morning News, April 5, 1877, p.3, c.3.
Savannah Georgian, May 27, 1826, p.2, c.2. The original account listed in the Savannah Georgian reported the fine at \$1400 - \$100 per day for 14 days. I suspect the fines were enlarged up to the \$2000 before the case was settled.
25. Savannah Georgian, September 1, 1827, P.2, c.2.
26. Savannah Morning News, April 5, 1877, p.3, c.3. Glenda Anderson, archivist at the Municipal Research Library at City Hall says that the city *does not maintain records of this sort* which might verify for whom the road was named. She was skeptical that the road was named for this John Waters but at the time we spoke we thought the rice plantation was in west Savannah. In light of the information as to the actual location of the plantation, I think it very likely that the road was named for the land through which it was cut.
27. Georgian, September 22, 1835, p.3, c.1.
Register of Deaths in Savannah, GA, 1833-1847,p.36.
The obituary and death record both state he passed away on September 16, 1835 at the age of 66. The record of death on file in the Office of Vital Statistics at the Chatham County Health Department states the same. The grave marker at Laurel Grove Cemetery states his death date as September 15, 1835 at the age of 64.

28. Laurel Grove Cemetery Records, vol 4, W-Z(Georgia Historical Society). Waters does not appear in any index of Colonial Cemetery. For that matter, he does not appear in the general index of Laurel Grove Cemetery. He is found, however, alphabetically in the Ws where the notation is made that his family had his remains transferred on May 16, 1859 from the "old cemetery" to lot 1110. Presumably, the "old cemetery" is Colonial Cemetery.
29. Chatham County, GA Index of Marriages, 1805-1852(Georgia Historical Society).
Laurel Grove Cemetery Records, vol. 1(Georgia Historical Society).
30. Savannah Morning News, August 1, 1872, p.3, c.2.,
"Human Bones Dug Up"
31. Laurel Grove Cemetery Records, vol. 4, W-Z(Georgia Historical Society).
32. Georgian, September 22, 1835, p.3, c.1.
33. John Waters Will file # 167(Probate Court Records, Chatham County, GA Courthouse) pp: 911-914,926-927.
Tax Digest - Chatham County, 1835 (Georgia Historical Society).
This figure does not include the 300 acres owned in McIntosh County or household slaves held outside the plantations.
34. John Waters Will file # 167(Probate Court REcords, Chatham County, GA Courthouse).
35. Mark Twain, Autobiography (1924), v.1, ed. A. B. Paine. Found in International Thesaurus of Quotations comp. by Rhoda Thomas Tripp, Thomas Y Crowell, Publishers, New York. 1970 p.52.

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EPILOGUE

Obviously, from reading my notes, there are areas which should be delved into and clarified further. Had I another ten weeks with which to work, I would concentrate on three things.

The question of whether John Waters really did come here from Scotland at the age of seven is unanswered. There is no evidence either way. I suspect I would begin my search this time with John's grandfather, John Oates, and look for his arrival in the colonies a decade or two earlier.

I only started to look for descendants before running out of time. The logical place to start is with the Bryans. As there are several A. Bryans in the 1858 City Directory, a copy of the wills would be necessary to determine children's names and so forth.

Lastly, I would re-contact the University of North Carolina concerning a manuscript collection that is housed there in the Wilson Library as part of the Southern Historical Manuscript Collection. The Anderson Collection is number 1498 GA and has approximately 850 items. I forwarded a letter to Dr. Richard Schrader, asking for a description of the items pertaining to John Waters other than deeds and clerical details of the estate. I received no answer to this letter. For anyone wishing to follow up or pursue more information on John Waters through this avenue the address is as follows: Dr. Richard Schrader, Southern Historical Manuscript Collection, Wilson Library, University of North Carolina, Box 3926, Chapel Hill, NC 27599. PH: (919)962-1345.