A Map of the South Carolina Railroad System drawn by Thomas Grayson Poats, early Clemson professor of mathematics and civil engineering. Taken from the 1898 Catalogue of the Clemson Agricultural College of South Carolina.
CHAPTER III

The Founding

1888–1889

Richard Wright Simpson probably boarded the Blue Ridge rail line close to his home in Pendleton on the morning of April 20, 1888, two weeks after Thomas Clemson’s death. The rail crossed the Seneca River at Cherry’s Crossing, about two miles south of Fort Hill, just north of Hopewell, once the Pickens family home. From Hopewell, the line ran to the town of Seneca, which was founded in 1873. Seneca was well-placed on a crossing of the Blue Ridge and the Southern lines. The Southern line crossed the Seneca River above Ravenel’s Bridge. In consequence, Fort Hill was well-situated near the major developing north-south line (Washington, D.C., through Atlanta, Georgia, and on to New Orleans, Louisiana) and South Carolina’s major east-west line (Charleston to Columbia and on to Walhalla). From Seneca, the Blue Ridge line moved northwest toward Walhalla, the seat of Oconee County, the county in which Fort Hill was located. Walhalla, a nineteenth century German settlement, hosted the county courthouse.

Simpson’s wooden briefcase contained the will of Thomas Green Clemson, the codicil of 1888, and other documents associated with the estate. Simpson entered the will for probate at the Wallhalla courthouse. The will was a remarkable document, not only for its own time, but for the wisdom it carried into the future. At its heart, the 1886 will established for the proposed college a Board of Trustees composed of seven life trustees, all of them named in the document. Should one or another of the life trustees die or resign, the remaining life trustees would select the replacement. It further provided that should the state of South Carolina accept the will in toto, the S.C. Legislature would be empowered to select up to six trustees who would serve for fixed terms. If the legislature and the state did not accept the will in toto within three years after Mr. Clemson’s death, then the life trustees would establish a private school. The terms of the will required legislative passage, the governor’s signature, and the approval of the S.C. Supreme Court chief justice.

Besides the unusual governance, the will granted the trustees broad authority. They were to “fix the courses of study, ever mindful of the needs of the farmers and mechanics.” And they functioned as the sole governors of the school. They
could set and change the curricula, approve any and all changes, and never lose their powers.

Further, the will did not require that the students wear military uniforms. Nor did the will specify that the college admit only South Carolinians, men, or whites, although such restrictions commonly existed throughout the nation in the decades after the Civil War. In the South and Southeast toward the end of the nineteenth century, three other southern colleges—two private, Vanderbilt and Rice, and one, a private takeover of a “sort of” public university, Tulane—were heavily endowed by philanthropists from the Northeast. Each of those establishing documents had gender, racial, or other inherent characteristics as requirements for enrollment.³

**The Will and the Life Trustees**

When he returned to Pendleton, Simpson summoned the other six life trustees to a meeting at Fort Hill on May 2, 1888. They all accepted the obligation that Clemson imposed on them. Over the next nearly two decades, the trustees worked to ensure the well-being of Clemson Agricultural College. Of course, Benjamin Ryan Tillman and Daniel Keating Norris, having been at the very important Fort Hill meeting in the autumn of 1886, knew what to expect. The other four men who came to Fort Hill in May 1888 were knowledgeable probably only through their newspapers and their correspondence.

John Edward Wannamaker, from the lower region and the agrarian community of St. Matthews, joined them. Born on September 12, 1851, in Poplar Springs, he attended Wofford College, graduating in June 1872. Less than a year later, he began the Aeolian Hill Farm two miles east of St. Matthews. He was an early supporter of a separate college of agriculture, speaking forcefully for it in the Democratic State Convention of 1888. He also supported the state experiment stations. He later served on the Clemson College board’s committees on agriculture and the state fertilizer board of control. A lifelong Methodist, he had married Martha Duncan. Wannamaker would serve as the president of the Clemson Board of Trustees from 1929 to his death in 1935. His sister, Anna, married Thomas W. Keitt, a future professor of English at Clemson. Their son, Thomas, would become a Clemson Agricultural College agronomist. Wannamaker’s public service was not limited to Clemson. He chaired the World War I Liberty Bond drive for Orangeburg County and pioneered study in the science of seed breeding. He died on March 6, 1935.⁴

The fifth life trustee, John E. Bradley, was born in Indian Hill Township (lower Greenville District) on December 25, 1839. He received his early education at Clear Springs Academy, after which he enrolled in Erskine College, a school of the Associate Reformed Presbyterian Church in Due West. Bradley
left Erskine in 1861 to join the First South Carolina Volunteers. During the Civil War, he served in Butler’s Brigade, and after the war, he was a member of the local vigilance committee. Bradley worked actively in the Grange, the Farmers’ Alliance, and the association of Tillman supporters known as the Farmers’ Movement. He was elected to the S.C. House of Representatives and served one term.

In scientific agriculture, Bradley worked as an amateur soils engineer, experimenting with irrigation. This interest carried over into his service as trustee. He advised J. P. Lewis, the Clemson College farm manager, on agricultural practices. In addition, he aided in the selection of clays used to make the bricks with which the Chemistry Building (now Hardin Hall), the Main Building (now Tillman Hall), the Hardin residence (now Trustee House), and Barracks Number One (no longer standing) were built.

Bradley married Sarah Margaret Wideman in late 1865, and they had six sons and two daughters. One son, Mark Bradley, graduated from Clemson Agricultural College and later joined the faculty. John Bradley’s grandson, also named Mark, was a Clemson alumnus as well as a career military officer. He retired from the U.S. Army after World War II a four-star general. John Bradley died on April 18, 1907, and is buried in the Long Cane Associate Reformed Presbyterian Cemetery in Troy.

Robert Esli Bowen served as the sixth life trustee. He was born on September 8, 1830, on George’s Creek near Briggs Post Office in Pickens County, where his Welsh-Irish family had settled around 1785. Bowen was educated in common school and apprenticed to his father, from whom he learned surveying. In 1853, he moved to Texas and taught school there for five months. He then traveled extensively in Texas before returning to superintend the family farm.

Bowen, too, served in the Confederate army. He was at Appomattox Court House at the surrender of the Army of Northern Virginia on April 9, 1865, and ended his service with the rank of colonel. Bowen married Martha Oliver and they had two children, James Oliver, who died in 1908, and Esli Elvira, who never married. Bowen’s father had given him the tract of land on which he and his wife lived.

Bowen was elected to the state house in 1872 and to the senate from 1874 to 1878, where he served on the committee to investigate the financial condition of South Carolina’s government. He probably worked closely with Richard Wright Simpson on the difficult inquiry. In the 1880s, Bowen was involved in several railway ventures as president of the Atlantic and French Broad Railroad (1881–1883) and first director (1883–1886) and then president (1886–1889) of the Carolina, Cumberland Gap and Chicago Railroad. Neither proved successful, but the contacts he gained would aid the college. Like Bradley, Bowen served as
a Presbyterian elder. After he died, Clemson College morning chapel on January 11, 1909, was given over to a memorial service. He is buried in the old Pickens Presbyterian churchyard.

The final original life trustee was Milton Lafayette Donaldson. Born on July 29, 1844, to a family of farmers and mechanics in the Greenville District, he attended the Williamston School (1858–1862). At the onset of hostilities between the United States and the Confederacy, he enlisted in the Confederate army and remained in it until the war’s end. On January 23, 1866, he married Margaret Louisa Ware.

Like several of the trustees, Donaldson served in the S.C. House of Representatives (1878–1880 and 1884–1886), where he probably knew Simpson. He also served in the senate from 1888 to 1892 and played an instrumental role in steering Thomas Green Clemson's bequest through that body. Further, he was a strong Tillman supporter. Active in farming movements, Donaldson served as president of the S.C. Farmers’ Alliance from 1891 to 1892. His agricultural research led to a series of articles published in national farming journals. He also served in the National Democratic Executive Committee from 1890 to 1894. The Donaldsons were active members of Greenville’s Pendleton Street Baptist Church, which he served as a deacon. Donaldson and his wife had no children. He died on September 3, 1924, and is buried in Springwood Cemetery in Greenville.7

While Mr. Clemson ultimately chose the seven initial life trustees, the fact that three had served in the legislature during the time that Simpson also served suggests that Simpson played a leading role in Mr. Clemson’s selections. Only one trustee came from a town of any consequence, and the remainder were from the rural areas of the state. All seven came from agricultural backgrounds, although two had industrial interests as well. Four trustees had attended college; three went to Wofford and one to Erskine. Five came from the Upstate and two from the Lowcountry, although one of the Lowcountry men, Norris, had his career in Pendleton. Finally, they all had religious backgrounds in the Methodist, Presbyterian, and Baptist churches, and five might be called strong churchmen.

When Simpson summoned the other life trustees to meet him at Fort Hill on May 2, 1888, they met under a large oak tree on the east side of the home. Bowen acted as temporary chair and Norris as temporary secretary. The life trustees organized formally, selecting Simpson president and Wannamaker secretary. There being no further business required until the fate of the Clemson-offered gift to the state was determined, the life trustees adjourned.
Reaction to the Will

As harbingers of the public attitudes concerning the Clemson will, newspapers provided insights into the opinions of literate citizens. At first, newspapers noted the death of Thomas Clemson as the death of a prominent citizen. However, in the press the terms of the will were open to speculation. Shortly thereafter, at least one newspaper reported that J. M. McBryde, professor of agriculture and president of the University of South Carolina, had spoken to the Farmers’ Club of Orangeburg and detailed the importance of experiment stations. Prior to the passage of the Hatch Act in 1887 by the U.S. Congress, the S.C. Legislature had authorized the creation of two stations, one in Darlington and the other in Spartanburg, to provide reports on climatic and soil variety in research studies. These operated under the direction of the renamed University of South Carolina. Ironically, McBryde remained that evening with the Farmers’ Club while it adopted a resolution stating, “Teaching of a more progressive and economical mode of farming…cannot be acquired in an institution devoted to mixed literary and agricultural courses.” The same newspaper also noted the emergence of the Farmers’ Alliance, which pledged “to labor for the education of the agricultural classes in the science of economical government in a strictly nonpartisan spirit.” McBryde contended, with good justification, that South Carolina could not afford to fund the public (Citadel and USC) colleges and the agricultural and mechanical institute at Claflin. He noted that Cornell and California were conducting the best mechanical and agricultural work. But neither Cornell (founded 1865) nor California (1868) was comparable. In neither case were the scientific or technological fields being added to an older, existing classical college. In many places where that had been attempted, such as the University of Louisiana (now Tulane), the University of Mississippi, the University of North Carolina, or the University of Virginia, the effort had not been successful and had led to the formation of separate land-grant schools. Some, Tennessee and Missouri, did work, but beginning with Michigan Agricultural College (an 1855 pre-Morrill Land Grant Act foundation) or with Kansas State (1863), the first school founded as a land-grant college, separate foundations were the trend.

Tillman exploited the fact that USC had taught young men and boys from the more prosperous families, and he used the Farmers’ Alliance conventions, which he had called for and which he frequently attended and addressed, to build support. Only a year earlier, the legislature had funded USC in excess of its request and had given its trustees an appropriation greater than it requested. Tillman was so disgusted that he sent a farewell letter to the Charleston News and Courier. However, Mr. Clemson’s death reinvigorated his determination, his audacity, and his caustic comments.
By April 19, terms of the Clemson will were becoming known. The Laurensville Advertiser published a letter from Norris to G. W. Shell of Laurens that detailed the governance and predicted, “Our college is a certainty; our cause is strengthened and we will go into the canvass with victory perched on our banners.” But on the same day, the Pickens Sentinel predicted that Gideon Lee, in behalf of his daughter and Thomas Clemson’s granddaughter, Floride Isabella Lee, would contest the will. And also on that day, the Rock Hill Herald printed a letter from “Pike” entreating, “Let me beg the farmers not to become disheartened; don’t give up the fight.” By April 23, the Charleston Sentinel, in an editorial, opposed the plan for Clemson’s school if it required “the suppression or strangulation of any institution of learning which has been established by the State and is now in existence.”\(^{14}\)

The Floride Lee issue also emerged rapidly. She and her father, Gideon Lee, traveled from New York to meet with Simpson at Fort Hill. The terms of the will still seemed a matter of speculation.\(^{15}\) Six days after the will was entered for probate at the Walhalla Courthouse, its terms became public. The Charleston Sentinel urged caution\(^{16}\) and later in the same paper noted, “It is not safe, we think,
THE FOUNDING: 1888–1889

Lee also raised the issue of fairness to Clemson’s granddaughter when he noted to the press that in a codicil to his will, Clemson “revokes and cancels all legacies made by him to his grand daughter, even the portraits of her mother and grandmother, if she or I, as her guardian should contest the will.” He concluded, “Now, I came down here to seek justice for my daughter.”

By May 2, 1888, the Charleston News and Courier printed a letter from Norris in which he restated the Farmers’ Association’s position on agricultural education, experiment stations, and the Citadel, South Carolina’s military college, which was to continue its operation. The very next day, the Pickens Sentinel carried Tillman’s address to the farmers and other citizens. It called the efforts to mix practical and literary training an utter failure. “The Executive Committee of the Farmers’ Association, has two goals:” one to force the hand of the state in accepting the bequest of Mr. Clemson, and second to “safeguard white supremacy.”

On the same day, in the same newspaper, and also on the front page, Gideon Lee’s letter to the News and Courier was repeated in its entirety. In it he reminded the readers that his daughter was the only surviving descendant of Thomas Clemson and was the great-granddaughter of John C. Calhoun.

Two days later, the News and Courier interviewed Simpson, who stated, “The law makes it my duty…to defend the will and carry into effect the purposes of the testator as set forth therein….I have concluded that both prudence and proper regard for my duties as executor imperatively require me…to refrain from anything like a newspaper controversy over matters soon to be litigated.” Simpson also felt that Clemson had provided for Floride Lee in the will in a satisfactory manner.

On page 6 of that same edition, the News and Courier reprinted editorials from around the state. The Edgefield Monitor raised the issue of the structure of the Board of Trustees, suggesting that the state would be unable to control a board divided into seven life trustees and six legislative appointments. The anticipated Lee versus the Will (known as Lee v. Simpson) would not begin until January 7, 1889, when the court appointed J. E. Hagood as special master in equity, the court’s office designated to enumerate and protect an estate during a transition.

As the journalistic arguments heated up, the Democratic county conventions and the county farmers’ organizations began their regular meetings. The Newberry County farmers’ club called on farmers to demand that the legislature accept the gift. Three days later, the same paper noted that the Lancaster Democratic Convention resolved that the state should accept the bequest. The Anderson County Democratic Convention added that it hoped the state would add to Mr.
Clemson’s gift, the Morrill legacy, the Hatch Act funds, and the inspection fee on fertilizer to fund the new college.24

To the issues of other educational institutions, the claims of Gideon Lee, and the structure of the proposed Board of Trustees, the News and Courier raised the question of the suitability of the controversial Tillman, both as a life trustee and a potential government official. “About the only thing they (the farmers) cannot accomplish, in the direction of reform, is to make Mr. Tillman a safe friend and judicious counselor. The sooner he is unloaded, the sooner will the farmers reach the goal of their desires.”25

An article in the Charleston World reflected the growing political tensions. On July 3, 1888, the paper suggested that the new school need not be built on the financial support heretofore going to the Citadel and the University of South Carolina.26 By July 10, 1888, Governor John P. Richardson addressed the Clarendon County Democratic Convention. In his speech, he attempted to straddle the growing chasm between supporters and opponents of Clemson’s proposed new college but with little success.27 In response to Richardson at a Democratic Party gathering in Charleston, Tillman pointed to the lack of agriculture graduates from USC and also from the Citadel. Newspapers continued the arguments throughout the end of summer and most of the harvest season.28

The Legislature and the Will

With public opinion mixed about the legacy of Thomas Clemson, the will went to the legislature. Simpson, as a result of his service in the legislature and particularly the leadership he had given to the Hampton Democrats, worked well with many of the legislators. In the elections in the summer of 1888, a goodly number of “Tillmanites” had been chosen for the house, but Tillman had much less influence in the senate. Simpson, as executor, officially apprised the legislature of the bequest on December 4, 1888. The governor had addressed a joint session of both chambers and had cautioned against destruction of existing institutions.29 In the house, William Benet of Abbeville, who quickly became the leader of the pro-will group, introduced the bill to accept Clemson’s gift to the state. The bill also made its way to the Judiciary Committee and the Agriculture Committee. Lawyers comprised the first; farmers dominated the second, which also held several physicians/farmers and a few planters. Besides the division of the two committees by occupation, a geographic division would play a role also. The thirteen-member Judiciary Committee had two Upstate lawyers, William Benet from Abbeville and W. B. McCaw from York County. The other eleven were from the eastern and southern counties. The strongest opposition to the Clemson proposal centered in those same counties in part because the planter culture was predominant. Graduates of South Carolina and the Citadel were predominant here
as well. The Agriculture Committee had fourteen members; ten were farmers, one a physician, another a lawyer, yet another a physician/lawyer, and the last a planter from Richland County (the Midlands). Those who had collegiate backgrounds were attached to one or another of the Upstate denominational colleges, although one went to South Carolina College. The Judiciary Committee members opposed acceptance, while those of the Agriculture Committee favored acceptance.

On the same day (December 4, 1888) the News and Courier carried a report from D. K. Norris and J. E. Tindal. The Farmers’ Association had sent the two to inspect the Mississippi Agricultural and Mechanical College. They provided thoughts concerning finances, student labor, fertilizers, research, and the impact the college, under the direction of its president, Gen. Stephen D. Lee, had on the state of Mississippi. Lee, a South Carolinian, had been second in command in the Confederate defense of Vicksburg, Mississippi, in 1863.

In the house, the bill to accept Clemson’s gift was read for the first time and again on December 4. The joint Judiciary and Agriculture Committee met on December 9 and reported the bill out on Thursday, December 13. It issued a negative majority report, supported by most members of the Judiciary Committee, and a favorable minority report, basically from the Agriculture Committee.

After the second reading of the bill, Walter Hazard, a lawyer from Georgetown, moved to strike the section of the bill that stated that the senate and house expressly accepted the Clemson gift (Section 1). Simply, that would defeat the bill. No one could have accurately predicted the outcome of that vote. When the vote was taken, Hazard’s motion was defeated. But that did not mean that the bill of acceptance had passed; it merely had not been killed. Then William Brawley, a lawyer from Charleston and a member of the Judiciary Committee, moved to continue the bill to the next session. There was one strategy in play with the motion. This delay would use another year in the three-year deadline imposed by the donor, leaving about a year and five months for the chief justice of the state Supreme Court to certify that all the terms of Mr. Clemson’s will had been met. Thus, a representative could vote for continuance, postpone consideration, but still not have voted against acceptance. This would be the crucial vote in the house.

One hundred twelve representatives voted. Fifty representatives voted to continue until the next session. Twenty-nine were lawyers, eleven farmers, two planters, five physicians, two merchants, a carpenter, a miner, and one unknown (some reported more than one occupation). Sixty-two members voted against continuance. Thirty-seven were farmers, three planters, ten lawyers, four merchants, a teacher, two physicians, a millwright, an accountant, a manufacturer, a clergyman, and three whose occupations were not recorded. The clustering of lawyers voting to continue and farmers voting against continuance is strengthened when one considers home county. Forty-two of the positive votes for continuance were from representatives from the Lowcountry and the Midlands, including all but...
two of the farmers, while six of the eight positive Upstate votes were lawyers. The negative voters were more evenly scattered across the state, with most of the farmers and the lawyers in the Upstate and the Midlands. No doubt some of the negative voters had personal or political ties to Simpson or to Tillman.

Such an examination suggests that occupation and geographic area of representation disposed some of the representatives how to vote on the issue. What could not be known was whether the vote was truly representative of beliefs held about the newly proposed school or if some of those who voted nay opposed the school and thought there were enough votes to defeat it in that session.

By Friday, December 14, the house defeated the motion to strike out the enacting words by a vote of sixty-seven to forty-eight. This clearly indicated that the earlier vote fairly represented the disposition of the members. The next day, the house heard the third reading, after which its version of the Bill of Acceptance passed and was duly sent to the senate.

The senate worked simultaneously on the bequest. The offer of the gift had been sent to the Committee on Education on Saturday, December 8. The first reading was given before the bill was committed. It was reported out Saturday, December 15, with no recommendation. Consideration was to begin the following Monday. On that Monday, the bill was taken up, with Senator E. B. Murray moving to discharge the bill on Tuesday, December 18. That process was agreed to, and the next day the will was read for a second time. Senator C. St. G. Sinkler from Eutawville moved to continue the bill to the next session. This prompted the crucial voting in the senate. The roll call ended with sixteen senators voting yes and sixteen voting no. W. L. Mauldin of Greenville, the lieutenant governor serving as president of the senate, then cast a nay vote, and the maneuver was thwarted.

Just as the issue in the house produced a geographic difference, geography was a factor in the senate. Three senators from the Midlands and thirteen from the Lowcountry voted for continuance. Two senators from the Lowcountry, five from the Midlands, and nine from the Upstate voted nay. The lieutenant governor was from the Upstate. The second reading then passed seventeen to fifteen. Later the next day (December 19), the bill received its third reading, which occurred after a series of procedural motions designed to kill the bill had been defeated. The bill to accept the Clemson gift passed!

There were some differences between the house and the senate versions, namely the specification that finance issues brought to the Clemson Board of Trustees would require a nine-vote majority for passage. The two houses met in joint session Monday, December 24, 1888, and, at 3:45 a.m., the bill was reconciled, approved, and sent to the governor. Because of the almost immediate adjournment of the general assembly, the governor did not act upon the bill until the beginning of the next session, scheduled to convene on November 27, 1889.
When he recalled the autumn of 1888, Simpson wrote that passage of the bill in the house was actually more difficult than in the senate. However, he noted that to get the bill through the senate required him to convince Augustine T. Smythe of Charleston (who had substantial influence on coastal senators) merely to vote against the bill and not to urge fellow senators to do likewise. Simpson had asked Smythe to serve as one of his lawyers in the judicial battle for the will.37 Smythe later served as a legislative trustee of the new Clemson Agricultural College.

Still, Simpson had two looming problems. The first was Governor Richardson’s approval or veto. Nothing but time would answer that. Second, Gideon Lee, the father of Floride Lee, Thomas Clemson’s granddaughter, had filed suit in federal court contesting the legality of Mr. Clemson’s claim to sole ownership of the Fort Hill plantation.

The Lees and the Will

Governor Richardson, in his message to the general assembly, had noted that the state should not accept the Clemson bequest unless and until the will “is clearly established and before it is ascertained that the institution [Clemson’s proposed college] shall ‘forever remain under the supreme and sole control of the state.’”38 Many officials felt that the Lee v. Simpson litigation would last three to four years, which, if the state were to wait until that was clear, would have the effect, under the terms of the will, of causing the executor and the life trustees to organize the school privately.39 On December 11, the Charleston News and Courier reported that Mr. Clemson’s estate was worth $106,179.61, of which $25,000 consisted of real estate and the remainder of personal worth (2009 equivalent $2,503,084.78).40

The pending Lee lawsuit had been in the press for almost the whole year. On April 19, 1888, the Pickens Sentinel reported that Gideon Lee had come south to contest the will.41 Lee wrote a lengthy letter explaining his grounds for the suit and delivered it to area newspapers.42 In the same edition, an editorial commented, “Mr. Lee’s statement…upsets all the calculations that have been made in relation to the founding at Fort Hill of a great college for the farmers.”43 In May, Lee sent a lengthy letter to the News and Courier stating that he (Lee) had been in error when he calculated the “estate to be worth $40,000 or possibly $50,000.”44 Lee continued,

An old man of four score years, weak in body and almost imbecile [sic] in mind, living alone with only his housekeeper and her daughter to care for him, and with considerable property to dispose of, made an unnatural and unjust will, in which he practically disinherits his granddaughter and sole living descendant for the sake of erecting a monument to his vanity, a posthumous one, to be called Clemson Agricultural College.
Lee consulted with a lawyer, R. A. Childs of Pickens, who refused to take the case. Lee then hired Leroy F. Youmans as his legal consultant, and Youmans directed Lee to seek J. P. Carey to serve as the trial lawyer. For the defense, Simpson selected Augustine T. Smythe and James L. Orr, a very well-known Upstate lawyer.

The Lee suit began in the state courts, which quickly held that the will was valid. Lee’s suit contended that Fort Hill had been willed to Anna Calhoun Clemson for life, and upon Thomas Clemson’s death, the estate was to pass to her granddaughter, Floride Isabella Lee. The state court gave its opinion in the autumn of 1888. By December, Lee had appealed the case to the U.S. Circuit Court for the District of South Carolina.

Simpson was the defendant as well as the executor of the will of Thomas Green Clemson. He selected four attorneys to work with him, the Charleston firms of Smythe and Lee and Wells and Orr. Interestingly, Smythe, as a state senator, had not favored the creation of the separate agricultural school, and Orr, in the state house, had supported the college’s creation. Each later served as a trustee for the Clemson Agricultural College.

The defense set forth tracing the property from Mrs. John C. Calhoun’s sale of Fort Hill to her eldest son, Andrew Pickens Calhoun. Because Andrew’s worth was tied up in an Alabama plantation, Mrs. Calhoun held his mortgage on the property. Mrs. Calhoun drew a will on June 27, 1863, in which the property bequeathed to her daughter, Anna Maria, consisted of a life interest in Mrs. Calhoun’s Pendleton.

Gideon Lee Jr. (1824–1894) and his daughter, Floride Isabella Lee (1870–1935), granddaughter of Thomas Green Clemson, the chief plaintiffs in the case Lee v. Simpson. Both pictures are used courtesy of the Fort Hill Collection, Clemson University, and are gifts of Mr. and Mrs. Creighton Lee Calhoun.
THE FOUNDING: 1888–1889

house (Mi Casa), a vacant lot, and the furnishings within Mi Casa, all of which upon Anna Maria’s death would pass to Anna’s daughter, Floride Clemson (Mrs. Gideon Lee), and, if Floride were dead, to her child (Floride Isabella Lee).

The bulk of Mrs. Calhoun’s estate—including the mortgage she held of Andrew, a share in a Dahlonega gold mine, an interest in the estate of her deceased son, Patrick, and another interest in the estate of her daughter, Cornelia—was deeded so that one-fourth of the property would be in life trust for Anna, and upon her death, to Anna’s daughter. The remaining property, a three-fourths share, she divided between Floride E. Clemson and Mrs. Calhoun’s daughter-in-law, Kate P. Calhoun.48

On January 22, 1866, owing to the effects of the Civil War, Mrs. Calhoun changed her will. To Kate she gave the Pendleton house and property, which in 1863 she had directed to Anna. The rest of the property would be divided, with one-fourth going to Floride Elizabeth Clemson and three-fourths going to Anna “with the exception and alteration, that my daughter, Anna is hereby authorized and empowered by a last will and testament duly executed by her to dispose of this bequest of three-fourths of said bond and mortgage debt as she pleases. If she does not thus dispose of it, at her death, I give and bequeath it, the said three-fourths, to her daughter Floride.” This was the arguing point in the Lee lawsuit. Had Mrs. Clemson made a valid will? The remaining one-fourth would go to Floride Elizabeth Clemson and her child.49

Mrs. Calhoun’s will used the other portions of the estate to pay her debts, with the remainder to be divided in thirds. Two-thirds would go to her grandsons—J. C. Calhoun, A. P. Calhoun, and W. L. Calhoun—and one-third to Anna C. Clemson, who could dispose of her share as above. In sum, the codicil grants to Anna “three-fourths of the bond and mortgage due by A. P. Calhoun, certain furniture and other personal property, one-third of the residuary estate after debts would be settled.”

In the passage of time, four deaths had occurred. Mrs. Calhoun died on July 25, 1866; Floride Clemson Lee died in 1871 leaving one child, Floride Isabella; John Calhoun Clemson died in 1871, seventeen days after his sister, Floride Lee; and Anna C. Clemson died on September 22, 1875. Thus, all of Anna Clemson’s adult children died before she did. In the meantime, Anna substituted her husband, Thomas Green Clemson, as her trustee in place of lawyer Edward Noble, her relative. On September 2, 1871, after the deaths of her two adult children, Anna Calhoun Clemson executed her last will and testament.

Simpson then introduced several witnesses who testified to the longtime wish of the Clemsons to found an agricultural and scientific institution in South Carolina. Catherine Cornish, the widow of the rector of St. Paul’s Episcopal Church in Pendleton, asserted that after the deaths of Floride C. Lee and J. Calhoun Clemson in 1871, Mrs. Clemson was heartbroken and wanted the Fort Hill land to be used to benefit the Upstate, particularly for an agricultural college.50 Mrs. Cornish stated that Mrs. Clemson wanted the Calhoun family silver to go to her only
grandchild, Floride Lee, along with the one-fourth share in Fort Hill. Further, Mrs. Cornish understood that the Clemsons had made mutual wills to create the agricultural college from their estates.

The Rev. Mr. H. W. McLee, pastor of the Pendleton Presbyterian Church who had known the Clemsons quite well since 1866, filed the next deposition. He testified that Anna Clemson clearly wanted an agricultural college supported by the Clemson estate and by the state of South Carolina. Mr. Clemson, after Mrs. Clemson’s death, had continued their desire to create the school.

Other property was also in question, most notably the home and farm in Bladensburg, Maryland, which Thomas Clemson had purchased in 1856. With the onset of the Civil War, he transferred ownership of that property to his wife, Anna, who stayed in Maryland. In 1864, she conveyed the property to Elias Baker, the brother of Thomas Clemson’s mother. Baker’s estate returned the property to Mrs. Clemson in 1869, and she immediately transferred ownership to her husband. Again, the argument centered on Mrs. Clemson’s intent, which was that the property belonged to her husband. In sum, then, the court found that Thomas Green Clemson had inherited all rights and all the property, real and chattel, that had been Anna’s at the time of her death. Lee appealed the decision to the U.S. Supreme Court, which denied the appeal.

The Governor and the Will

The S.C. Legislature reconvened on November 27, 1889, and received a message that Governor John P. Richardson had signed the bill accepting Clemson’s gift of land and his money to the state for the establishment of an agricultural college. The bill has come to be known as the Act of Acceptance and the date as Acceptance Day. The Charleston News and Courier proclaimed the issue was the most important decision of the legislature in that two-year session. With the governor’s signature, the Clemson Agricultural College of South Carolina was alive.
Notes

1. The paths of the rail lines are from maps of South Carolina in CUL.SC.MSS Map Files and South Carolina in 1888, a twenty-page pamphlet. Besides some railroad data, the pamphlet contains other agricultural and production data. The Pendleton depot was about 400 yards from Simpson’s house on Elm and Queen streets in Pendleton.

2. The will and the codicil are reprinted in an appendix. Alumni Distinguished Professor Emeritus Bruce Yandle has studied the establishing documents of public higher education institutions in the United States and has found four—the University of Alabama, Purdue University, the University of Delaware, and Clemson University—which have charters that call for some or all the trustees to be lifetime. Clemson has a majority that are lifetime and self-perpetuating.

3. The thorough discussion of this is in Kean, Desegregating Private Higher Education.


5. CUL.SC.CUA. S 30 ss I b 1 f 8.

6. Ibid., f 7; Garlington, Men of the Time, 40–41; and Reynolds and Faunt, Biographical Directory, vol. 1, 163–165.

7. CUL.SC.CUA. S 30 ss I b 1 f 21; Senate Biographical Directory, vol. 1, 400–401; and Hemp-hill, Men of Mark, vol. 3, 139–140. M. L. Donaldson had written Tillman on February 6, 1886 (not the first letter that Donaldson sent to Tillman), in which he noted he had written “parties in Spartanburg, Anderson, York & Marion counties” seeking support. Donaldson noted that the editors of the Greenville News and the Baptist Courier are favorably disposed to Tillman’s ideas. And Tillman heard (February 20, 1886) from E. T. Stackhouse. See also CUL.SC.MSS 80 S 2 b 1 f 1.

8. Charleston Sunday News, April 8, 1888; and Charleston News and Courier, April 9, 1888. The Sunday News printed epitomes from papers from around the state.


10. Hollis, University of South Carolina, vol. 2, 139.


14. Charleston Sentinel, April 23, 1888. The other letters or summaries are reprinted in the Charleston Sentinel. Some of these quotes follow through the paragraph.


17. Ibid.

18. Ibid., April 25, 1888.


21. CUL.SC.MSS 68 b 18 f 329. The other newspapers are clipped and filed.


23. Ibid., May 15, 1888.

24. Ibid.

25. Ibid., May 19, 1888.


30. The committee memberships are in the Journal of the House of Representatives, second session 1888; and the membership backgrounds are available in Bailey, Morgan, and Taylor, Biographical Dictionary.


32. Journal of the House of Representatives, 123.
35. Ibid., 119.
37. CUL.SC.MSS 68 b 18 f 331.
39. Ibid., December 10, 1888.
40. Ibid., December 11, 1888; and http://www.westegg.com/inflation. This latter source is used throughout this study.
41. Pickens Sentinel, April 19, 1888.
42. Charleston News and Courier, April 26, 1888.
43. Ibid.
44. Ibid., May 2, 1888.
45. Ibid., May 3, 1888.
46. United States Circuit Court: District of South Carolina, Charleston, December 1888: Lee v. Simpson as noted in 37th Federal Reporter and filed in CUL.SC.MSS 68.
47. Charleston Sunday Budget, November 11, 1888.
49. CUL.SC.MSS 68 b 96.
51. Fourth Circuit Court of Appeals, 9.
52. Ibid., 10.
53. Ibid., 11–15.
55. CUL.SC.MSS 68 b 93.
57. Charleston World, November 28, 1889.