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REVOLUTIONARY LEADERS OF NORTH CAROLINA

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I

NORTH CAROLINA FROM 1765 TO 1790

INTRODUCTORY LECTURE

Two periods in the history of the United States seem to me to stand out above all others in dramatic interest and historic importance. One is the decade from 1860 to 1870, the other is the quarter-century from 1765 to 1790. Of the two both in interest and importance precedence must be given to the latter. The former was a period of almost superhuman effort, achievement, and sacrifice for the preservation of the life of the nation, but it did not evolve any new social, political, or economic principles. Great principles already thought out and established were saved from annihilation, and given a broader scope than ever before in the history of mankind, but no new idea or ideal was involved in the struggle. The ideas and ideals involved in the struggle of the sixties were those that had already been established during the quarter-century from 1765 to 1790. That epoch was a period of origins. Ideas and ideals of government developed in America then came into conflict with the ideas and ideals of Europe. Colonies founded on these new principles revolted against the old, threw off the yoke of their mother country, organized independent states, and having achieved their independence, established a self-governing nation on the federal principle on a scale never before attempted in the history of the world.

It was a period of ideals. Other great revolutions have found their origin in actual physical suffering

531955

and oppression. People of other ages and countries have dared and suffered as much for freedom as Americans, but probably nowhere else have a people, free, contented, prosperous, and happy, deliberately imperilled all for the sake of an ideal. At the time of the American Revolution the condition of the American people was the envy of the world. No other people enjoyed so much political freedom, or so much material prosperity. The acts of the British government of which they complained and against which they revolted were not oppressive, and among any other people at that time would have been accepted quietly, as the acts of a benevolent government. But they violated a principle, which the American people conceived to be the foundation of their liberty, prosperity, and happiness. Other peoples perhaps would have waited until the acts became actually oppressive; the Americans chose to resist the first trespass on their privileges and liberties. As Burke said: "In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They foresee misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze."

It is this fact, it seems to me, that makes the American Revolution the most interesting event in our history. From 1861 to 1865, the American people raised armies that make Washington's little band of Continentals appear like a small body-guard; they fought battles which by comparison dwarf Bunker Hill, Moore's Creek Bridge, Saratoga, and Guilford Court House into mere skirmishes. But when we look

beneath the surface and see the motives which inspired the men of the Revolution, when we understand the ideals and principles for which they fought, and when we see the momentous results that hung upon their deeds, we shall better understand why it is that Washington and those who followed him must always remain first in the list of American immortals.

The part which North Carolina played in that contest as seen in the careers of four of her leaders will form the theme of the first series of these lectures. Four events stand out as the chief achievements of that period in North Carolina. They were, first, the incitement and organization of the people for revolution; second, the development of the sentiment for independence; third, the adoption of the state constitution and the inauguration of the independent state government; fourth, the ratification of the constitution of the United States and the formation of the American Union. In each of these movements a man of commanding genius led the people. It was John Harvey who from 1765 to 1775 fanned the spirit of revolt and organized the colony for revolution; it was Cornelius Harnett who embodied the spirit of independence and became its mouth-piece; it was Richard Caswell who, having stood watch over the state government at its birth, was placed in charge during its infancy and guided it in its growth into strength and power; and it was Samuel Johnston, leader of the North Carolina Federalists, around whom the friends of the Union and good government rallied in the fight to make permanent the results of the Revolution. The lives and works of these four men, therefore, will be the topics which I shall discuss; but before enter-

ing upon my task, something must be said of the stage upon which they moved and of the means with which they worked.

Let us take a glance first of all at the stage upon which the drama was enacted. In 1765 North Carolina stretched from the Atlantic on the east to the Mississippi on the west and embraced more than one hundred thousand square miles of territory. A large part of this territory was a wilderness, inhabited by wild beasts and hostile barbarians. Its white population was thinly scattered along the coast, the river-banks, and up and down the fertile valleys of the Piedmont section. Daniel Boone, James Robertson, and a few other bold hunters and pioneers were just beginning to get a peep over the mountain wall on the west, where they were to be followed during the next decade by a few adventurous spirits who were to lay the foundations of the states of Tennessee and Kentucky. The white population of North Carolina at that time, as nearly as can be estimated, numbered perhaps 300,000. In this respect North Carolina ranked fourth among the thirteen colonies, following Virginia, Pennsylvania, and Massachusetts.[1] In the eastern part of the colony, along the Atlantic coast, the banks of the Roanoke, the Pamlico, the Neuse, and the lower Cape Fear, the predominating element was English. These people, proud of their English ancestry and their connection with the British Empire, were thoroughly imbued with the spirit of English constitutional liberty, jealous of their rights, and quick to resent any trespass upon them. Their leaders thoroughly understood the British constitution, and

1. Colonial Records of North Carolina, XVIII., xlv.-xlvi.

conceived themselves, even in the wilds of America, to be fully protected by its principles; and when those principles, as they understood them, were violated by the British Crown and Parliament, they were ready to appeal to arms in their defense. To the west of these English settlements, on the upper waters of the Cape Fear, were the Scotch-Highlanders, a brave, war-like race, newly settled in the province, and wholly ignorant of the causes of the revolt against the mother country. They knew nothing of the British constitution or of the charters upon which the colonial government was founded. Accustomed to be governed by an hereditary chief, whose word was their only law, and having recently sworn allegiance to the Crown, they looked upon the king as the chief to whom they owed explicit and unquestioned obedience. Scattered among the hills of the Piedmont section were the Scotch-Irish, a democratic people, trained to self-government in their church affairs and as little likely as their English cousins of the East to submit to oppression. The German, whose settlements bordered on those of the Scotch-Irish, were an industrial people. Neither in their native land nor in America had they taken any part in the government. It was a matter of indifference to them whether they were governed by a sovereign in England or by one in America, by a monarchy or by a democracy. So long as the government maintained peace, protected them in the enjoyment of their property, and allowed them freedom of conscience in their religious life, they did not trouble themselves as to who wielded the power of the state. During the Revolution, therefore, they remained neutral, distributing their supplies and offering their hospitality to Britons

and Americans alike. The Revolution in North Carolina, therefore, was waged by the English of the eastern and the Scotch-Irish of the western parts of the province, against the active opposition of the Scotch-Highlanders and the passive indifference of the Germans.

Agriculture was the principal occupation of the people. In the East, among the English, agriculture was carried on by slave labor; among the Scotch-Irish the settlers owned but few slaves and largely performed their own labor. Accordingly the prevailing sentiment of the East, socially and politically, was aristocratic; in the West it was democratic. It is characteristic of an aristocracy that its leaders are efficient and well-trained. While the great mass of the people were illiterate, the wealthy planters were well educated. Many of them were graduates of the English universities, while others were educated at Harvard, Yale, and William and Mary College. The greatest difficulty with which the Americans had to contend during the Revolution was the lack of manufactures. Such manufactures as existed in North Carolina were home-made. Most of the manufactured articles used in the colony were imported from England and exchanged for farm products. Thus quite an extensive commerce had been established between North Carolina and the other colonies, and between North Carolina and the mother country. Wilmington, New Bern, and Edenton were the chief towns on the coast; in the interior Halifax, Hillsboro, and Salisbury were centers of political and social life. Fourteen miles below Wilmington on the west bank of the Cape Fear, was an important town which has since been abandoned. This was Brunswick, the residence

of Governor Tryon, and the scene of the resistance to the Stamp Act. Before 1771 there was no permanent seat of government; the governors resided where they pleased and the Assembly met at Wilmington, New Bern, Halifax, or Edenton as it pleased the governor. But after the completion of the Tryon Palace in 1771, New Bern became the capital.

In order to understand the careers of the men whom we shall study, it is important that we shall understand the organization of the colonial government and the relations of the several departments to each other. The organization followed the plan of the British government.[2] Corresponding to the king was the governor; to the judiciary, the colonial courts; and to Parliament, the General Assembly. The governor was, of course, the chief of the executive branch. He received his appointment from the king, was responsible only to the king, and could be removed by the king. None of our colonial governors, during the period of royal rule, was selected from among the colonists themselves. The governor was usually some favorite of the king, or the friend of some nobleman influential at Court. He thus came among the people totally ignorant of their conditions, needs, and ideals, and, as a rule, hostile to their political principles. All of his important acts were controlled by instructions sent him from time to time from England, and these instructions he was compelled to obey regardless of the wishes or the interests of the colony. As they frequently conflicted with the views of the colonists, the result was an almost con-

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2. See Raper, C. L.: North Carolina: A Study in English Colonial Government.

tinuous state of political warfare between the Assembly, representing the people, and the governor, representing the Crown. The people did not regard the governor as their representative, nor did the governor regard himself as such. He represented the Crown, and he regarded his duty to the king as superior to any obligation he owed to the people. He was, in a word, not the people's governor; he was the king's vice-gerent, and his first duty was to obey the commands of his master. This is a point of cardinal importance in the study of the Revolution.

In his executive duties the governor was assisted by a Council, but the Council had no control over his actions beyond the giving of advice. The members of the Council were appointed by the Crown upon the recommendation of the governor, and as they owed their selection to the governor, we may easily imagine that their advice did not often conflict with his wishes. This tendency, however, was to a certain degree offset by the fact that the councillors, as a rule, were residents of the colony, imbued with the same ideas as their fellow-colonists, and controlled, to a certain extent, by public opinion. We occasionally find, therefore, a councillor willing to risk the governor's disapproval and removal from office, in the interest of the colony. The Council formed part of the judicial branch of the government; and also formed the upper chamber of the General Assembly. Appointment to the Council was regarded as one of the highest honors that could be conferred upon a colonist and was sought by the wealthiest and most prominent men of the province.

The legislative power of the government was vested in the General Assembly which, like the British

Parliament, was composed of two houses—the Council and the House of Commons. The members of the House of Commons were elected by the people. Each county was entitled to two members, except Pasquotank, Perquimans, Tyrrell, Chowan, and Currituck, which under an old law were entitled to five, and Northampton to three. Certain towns, viz: New Bern, Wilmington, Brunswick, Edenton, Halifax, Hillsboro, and Salisbury, were entitled to send one member each. Members of the Colonial Assembly like members of the British Parliament, were not required to live in the county or town which they represented, and they were not elected for any specific term. The life of an Assembly depended solely upon the will of the governor. He had the power to call the Assembly together, to select the place for it to meet, to dismiss it for any length of time that pleased him, or to dissolve it altogether and order a new election when he pleased, and it could not meet or remain in session except by his will. If, therefore, as sometimes happened, an Assembly was composed of men who were disposed to please the governor, he would keep that Assembly for several years, calling the members together or proroguing them according to his own wishes; on the other hand, if the members were hostile to him and his measures, he might either refuse to call them together at all, or dissolve them and order a new election as he pleased. Thus Assemblies sometimes lasted ten or a dozen years, at other times ten or a dozen days, according to the whim of the governor. Several attempts were made to pass laws setting regular times for elections and for the sessions, but the governor had the veto power and always used it against such bills. He could either veto a bill him-

self, or if he did not care to take the responsibility he could refer it to the king for his approval or disapproval. In either event the king had the power to approve or revoke the governor's action. The Assembly elected its own officers, but its choice was subject to the approval of the governor. The speaker of the Assembly was the highest officer over which the people, or their representatives had any control, and consequently the leader of the popular party was usually elected to it. Thus it happened that the governor, as the representative of the Crown and the royal party in the colony, and the speaker, as the representative of the Assembly and the popular party, were frequently the leaders of hostile factions; and much of the politics of colonial times turns on this relationship. It was as speaker of the Assembly that John Harvey, from 1765 to 1775, became the leader of the revolutionary party and the organizer of the Revolution.

The Revolution was due to the fact that the colonists and the British government held conflicting theories as to the relation existing between the colonies and the British Parliament. The colonial government of North Carolina was based upon charters issued by the Crown to the Lords Proprietors. In every one of these charters, in the charter granted to Sir Walter Raleigh by Queen Elizabeth in 1584,[3] in that granted by Charles I to Sir Robert Heath in 1629,[4] and in those granted by Charles II to the Lords Proprietors in 1663 and in 1665,[5] it was distinctly set forth that the people

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3. Printed in Thorpe: American Charters, Constitutions and Organic Laws, I., 53-57.
4. Printed in Col. Rec., I., 5-13.
5. Printed in Col. Rec., I., 20-33, 102-114.

of the colony should be entitled to all the privileges, franchises and liberties held and enjoyed by the people of England. The English people considered that the foundation of all their privileges and liberties rested upon the principle that the subject should not be taxed except by his own consent or the consent of his representatives. This principle was not denied by George III and his ministry. Their trouble with the colonies arose over the question, who were the representatives of the colonists? The ministry declared that they were represented in Parliament; the Americans replied that they were represented only in their colonial assemblies. Parliament, they contended, was supreme in all imperial affairs; but the Parliament of England had no more power over the local affairs of the several colonies than the assemblies had over the local affairs of England. Within their spheres the assemblies were supreme; they bore the same relation to the internal affairs of the colonies that Parliament bore to the internal affairs of Great Britain. Between the colonies and England, according to the colonial theory, there existed the same relation as existed between the several colonies themselves; that is to say, they acknowledged allegiance to the same sovereign, but in all other respects they were independent of each other. Therefore, in all the controversy between the colonies and the mother country the former addressed all of their petitions and remonstrances to the king. They did not send petition to Parliament, because to do so would be to acknowledge the very thing they were protesting against, i.e., the authority of Parliament, and when they came to declare their independence, it was the king, not Parliament, against whom they

brought their charges of misgovernment. They could not declare themselves independent of Parliament, because they denied that Parliament had ever had any constitutional control over them. Read the Declaration of Independence, you will observe that nowhere in that document is Parliament mentioned. It was the king who had refused his assent to wholesome and necessary laws; the king who had obstructed the administration of justice; the king who had quartered soldiers on the people; the king who had rendered the civil power dependent upon the military power. The only reference made to Parliament in the Declaration of Independence, is the charge that the king "has combined with others [i. e. Parliament] to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation."

You are, of course, familiar with these "acts of pretended legislation," but let me recall them briefly to your memory in the order in which they occurred so that in the future mere reference to them will be sufficient. First came the Stamp Act in 1765. Nothing could have been further from the thought of the British ministry, when this act was passed, than the idea that it would be resisted in America. The taxes levied under it were not oppressive—indeed, no form of taxation is so little vexatious as a stamp act. So little did anyone in England dream of resistance, that Benjamin Franklin, then representing Pennsylvania in London, recommended one of his friends in Philadelphia as the stamp agent for his colony, and thought that he was doing his friend a service. England was astonished at the outburst of wrath with which America greeted the Stamp Act. As you know, it

was promptly repealed the next year. Its repeal, however, was coupled with the passage of another act, little noticed at the time in the celebrations over the repeal of the Stamp Act, but very important in its bearing on the Revolution. This was the Declaratory Act, passed in 1766, which declared that Parliament had the right to legislate for the colonies "in all cases whatsoever." If the matter had been allowed to drop there, nothing would ever have been heard of the Declaratory Act. But in 1767 an effort was made to put this declaration into effect. Then was passed the Townshend Acts, better known in our history as the Tea Tax. The object of this act was to raise money to pay the colonial governors and other officials so as to render them independent of the colonial assemblies. As the resistance to this act was led by Massachusetts, five acts were passed to punish that colony. Under these acts, persons in Massachusetts suspected of encouraging resistance to Parliament were to be arrested and sent to England for trial; town-meetings were forbidden and two regiments of British troops were ordered to Boston to overawe the people of that town. The blow was aimed at Massachusetts alone, but the other colonies promptly rallied to her support and raised the cry that the cause of Massachusetts was the cause of all. Finally after ten years of petitions, remonstrances, and addresses, the dispute came to blows and bloodshed. Then it was, in February, 1775, that the king issued his proclamation, declaring the colonies out of his protection, ordering his fleets and armies to enforce obedience to the acts of Parliament, and thus drove the colonies into open war and revolution. These five steps, therefore, must be borne carefully in mind if

you would follow my story of the careers of Harvey, Harnett, Caswell, and Johnston, viz: the Stamp Act of 1765, the Declaratory Act of 1766, the Townshend Acts of 1767, the five Massachusetts Acts of 1774, and the king's proclamation of 1775.

In North Carolina, as in the other colonies, resistance to these acts was first made through the Assembly. From 1765 to 1774, the voice of the Assembly was the voice of the people, and so long as this voice was free there was no thought of substituting any other for it. But it must be remembered that this voice was not always free as the life of the Assembly was dependent upon the will of the governor who, of course, supported the Crown in this controversy. Thus, in 1765, when North Carolina was asked to send delegates to the Stamp Act Congress, Governor Tryon, in order to prevent it, refused to call the Assembly together until it was too late to elect delegates. The colony, therefore, was not represented in the Stamp Act Congress. Again, in 1774, when the colony was asked to send delegates to a continental congress, Governor Martin, who had succeeded Tryon, tried the same tactics. He too refused to call a meeting of the Assembly. But the revolutionary leaders were prepared for such a contingency. John Harvey, speaker of the Assembly, met the governor's refusal by issuing a call for a provincial congress independent of the governor. This Congress met in August, 1774, and was the beginning of the revolutionary government which superseded the royal government and ruled the colony until the establishment of the state government in 1777. It is necessary to describe this provincial, or revolutionary government. At its head was the Provincial Congress. While supreme in all

civil and military affairs, it was really the successor of the General Assembly and its especial functions were legislative. Under this Congress was the Provincial Council, later the Council of Safety, which was the chief executive power of the government, although at times it also exercised certain judicial functions. Under the control of the Council were the committees of safety.

Congress was the supreme power in the state. It met annually at such time and place as were designated by the Provincial Council. Each county was represented by five delegates elected by the people just as the members of the Assembly had been elected. The borough towns each had one delegate. No constitutional limitation was placed on the powers of Congress, and as the supreme power in the province it could review and pass upon the acts of the executive branch of the government. The executive branch consisted of the Provincial Council and the committees of safety. Committees of safety were organized in each town and county. It was their duty to execute the orders of the Provincial Council and the Continental Congress; to collect taxes; to purchase arms, gunpowder, and other munitions of war; to arrest, try, and punish persons suspected of disaffection to the American cause; and to make such rules and regulations as they saw fit to enforce their authority. The Provincial Council was the chief executive authority of the new government. It was composed of thirteen members elected by the Congress. Authority was given to the Council to direct the military operations of the province, to call out the militia when needed, and to execute the acts of the Congress. It could issue commissions, suspend

officers, order courts-martial, reject officers of the militia chosen by the people, and fill vacancies. But its real power lay in a sort of "general welfare" clause which empowered it "to do and transact all such matters and things as they [sic] may judge expedient to strengthen, secure, and defend the colony." To carry out its powers, the Council was authorized to draw on the public treasury for such sums of money as it needed, for which it was accountable to Congress. In all matters it was given authority over the committees of safety, and in turn was subject to the authority of Congress. Its authority continued only during the recess of Congress, and Congress at each session was to review and pass upon its proceedings. Such was the government that was to organize, equip, and direct the military forces raised by the Congress and to inaugurate the great war about to burst upon the colony.[6]

This revolutionary government ruled the colony from 1774 to 1777. After the Declaration of Independence, it became necessary to organize and establish a more permanent form of government. An effort was made by the Congress at Halifax in April, 1776 to adopt a constitution, but the members could not agree, and the matter was postponed until the following December. The Congress met in November and after two months of arduous work, finally agreed on a constitution which was adopted December 18, 1776.[7] Under this constitution the powers of the government were divided into three departments—

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6. For a more detailed account of this provisional government, see Connor: Cornelius Harnett: An Essay in North Carolina History, 102-119, 152-178.
7. Col. Rec., X., 1006-1013.

executive, embracing a governor and his Council; judicial, embracing a superior court and inferior county courts; legislative, embracing two houses, the Senate and the House of Commons. The governor and his Council were to be elected by the Legislature for one year and no man could serve as governor for more than three years in any term of six years. The judges were also elected by the Legislature, and held office for life, or during good behavior. The General Assembly was composed of two representatives and one senator from each county. Warned by its experience with the royal governors the Congress gave the governor under the Constitution no power over the General Assembly. "What powers, sir," asked one of William Hooper's friends, "were conferred upon the governor by the new constitution?" "Power," replied Hooper, "to sign a receipt for his salary," and indeed, that was about all. The Assembly met annually at such time and place as it chose, determined the length of its sessions for itself, and its acts did not require the approval of the governor. This relation between the governor and the Assembly established in 1776 continues until this day, and though there are those who think the governor should be granted the veto power, nevertheless in view of our past history, the burden of proving the advantage of this innovation is certainly upon them. The government as inaugurated under the constitution of 1776 was put into operation January 1, 1777, with Richard Caswell at its head, and more than half a century passed before any changes were made in it.[8]

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8. Col. Rec., X., 1013.

The grand result of the war of the Revolution was, of course, the formation of the American Union. How great an event it was the framers of the constitution themselves could not fully appreciate; and even today we can appreciate only by calling in the aid of our imagination. As the United States continues to grow in wealth and in power, as English-speaking people continue to spread over the face of the earth, carrying with them their social and political ideals, the world will come to appreciate more and more the magnitude of the work accomplished by the little band of English-speaking colonies which fringed the Atlantic coast during the quarter-century from 1765 to 1790. Already we see the influence that the ideals for which they struggled have had in liberalizing and democratizing the older governments of the world, until today we behold the people of the most ancient empire on earth seeking admission into the ranks of the world's republics.[9] As we recede in years further and further from the men who started this movement in 1765 and brought it to its successful consummation in 1790, their figures will loom larger and larger on the pages of history. It remains for me now briefly to trace the beginning of this movement.

I have already pointed out the relations of the thirteen English colonies to each other in 1765. Politically their only bond of union was the fact that each acknowledged allegiance to the Crown of England. Otherwise they were, as regards each other, as separate and distinct as they were from the Spanish colonies to the south of them. Not only was there

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9. When these lectures were delivered the short-lived Chinese Republic had just been organized.

no bond of union between them: there was little sentiment favorable to the formation of any such union. You will remember that in 1754, during the French and Indian War, Benjamin Franklin proposed a plan of union for the purpose of resisting the French, and urged it with all of his great ability, but he found no responsive chord in the hearts of the colonists. What was needed to effect this object was a common cause in which the fate of every colony was involved. This common cause was supplied in 1765 when Parliament without a thought of its consequence passed the Stamp Act. Here was a cause that involved the oldest as well as the youngest of the colonies, the largest equally with the smallest, the wealthiest no less than the poorest, New England in common with the South. In the movement which resulted in the Federal Union there were five steps to which it is necessary for me to call your attention. First, the Massachusetts and Virginia circulars; second, the committees of correspondence; third, the Continental Congress; fourth, the Articles of Confederation and Perpetual Union; fifth, the Constitution of the United States.

As soon as news of the passage of the Stamp Act reached America, it became apparent that the colonies ought to adopt some uniform method of protest and resistance. It was important that in presenting their arguments against the measure there should be substantial agreement as to the principles upon which their opposition rested. Accordingly Massachusetts, through her Assembly, adopted and sent to each of the colonies a circular letter suggesting the line of argument to be followed and urging *unity* of action. Virginia adopted the same tactics after the passage of the Townshend Acts. Most of the colonies responded

favorably and thus in this simple way took the first step toward union. As the contest progressed it became necessary that there should be in each colony some *permanent* agency for co-operation in order that each colony might keep in close touch with all the others. The assemblies could not serve this purpose because, as we have seen, they were too dependent upon the royal governors who, of course, sympathized with the Crown and Parliament. Virginia, therefore, suggested that each colony should appoint a committee composed of nine of its leading men who should be a committee of correspondence, to keep in close touch with each other and to keep alive the spirit of resistance throughout the continent. Thus a still stronger bond of union was forged. But even this soon proved inadequate for the task, and men began to ask themselves, why should these committees do their work by correspondence only? Why should they not all hold a great meeting in New York or Philadelphia, a sort of congress of committees, and discuss our common affairs face to face? This idea found favor, and so the call went forth for a continental congress to which each colony was invited to send delegates. Thus, by this third step, a real union, never more to be dissolved, was effected. At first, of course, the Continental Congress had no real power. It had to depend upon public sentiment for the enforcement of its decrees. In the beginning when the enthusiasm of the people was high, this was sufficient; but as the struggle dragged on, it became apparent that Congress must have behind it some power more real than public opinion. And so a plan of union was drawn up, and submitted to the several states, called "The Articles of Confederation and Perpetual Union."

But this plan had many serious defects in it. Under it, Virginia, the largest of the states had no more power than Rhode Island, the smallest. Congress still had no power to enforce its own decrees, but had to depend on the states for it, and the states, after the danger from the common enemy was removed, frequently refused. Congress could not punish an individual for violation of its ordinances; it could not levy or collect taxes, but had to look to the several states for the very means of its existence. In a few years, therefore, Congress through its inherent weakness, fell into disrepute. It lost the respect of the people, and with the loss of respect of course it lost even its semblance of authority. The country was on the verge of civil war and anarchy through the lack of an effective national government, when Washington again came to the rescue and persuaded Virginia to invite the colonies to elect delegates to a convention at Philadelphia to amend the Articles of Confederation. The invitation was accepted, the great convention of 1787 met, and after a long summer of hard work, agreed upon a constitution and submitted it to the several states for ratification. It met with a great deal of opposition, but nowhere with so much as in Rhode Island and North Carolina. North Carolina held a convention at Hillsboro in 1788 to consider the new constitution. The friends of the Union rallied around their leader, Samuel Johnston, and fought a great battle for it; but they were defeated. All the other states, except Rhode Island, adopted the constitution, and the United States government was put into operation without the help of North Carolina and

Rhode Island. But the friends of the constitution in North Carolina had not lost heart. They continued their fight in its favor, and in 1789 had a second convention called, this time at Fayetteville, and after a session of only six days, succeeded in having the constitution ratified.

In the movements which I have thus hastily and briefly sketched four men came to the front as the embodiments of the thoughts, the sentiments, and the ideals of the people of North Carolina. It was John Harvey who fanned the spirit of the people into action and organized them for revolt; it was Cornelius Harnett who nursed the sentiment of the people for independence and became their spokesman on that subject; it was Richard Caswell who led the people in battle and on the battle-field helped to win that independence for which he had spoken in the halls of legislation; and it was Samuel Johnston whose leadership resulted in the ratification of the Constitution of the United States and who first represented his state in the Senate of the Federal Union which he had done so much to make possible. It is to a consideration of the lives, services, and characters of these four patriots that I shall now invite your attention.

II

JOHN HARVEY

During the decade from 1765 to 1775—the decade that witnessed the revolt against the authority of Parliament, the inauguration of the Revolution, and the overthrow of the royal government in North Carolina—the dominant figure in our history is the figure of John Harvey. Although Harvey was truly the "Father of the Revolution in North Carolina," less perhaps is known of his life, character, and services than of any of the other Revolutionary leaders of North Carolina. But little has been written about his career, and outside of the official records the student will find little more than a bare mention of the public offices that he held. Beyond the simple fact that he was born about the year 1725 in Perquimans County and, according to the injunctions of his father's will,[1] received a good education, we know nothing of his early years. We may assume that like other boys of his time and situation he gave due attention to riding, hunting, fishing, swimming, rowing, and other sports common to frontier settlements. As soon as he was old enough to understand such things he manifested a lively interest in colonial politics; and as he was a promising member of a large, wealthy and influential family he early attracted the attention of the local politicians of the popular party. He was barely turned twenty-one when they brought him forward as a candidate for the General Assembly and

1. *Grimes, J. B.* (Ed.): North Carolina Wills and Inventories, 230-32.

elected him a member of the session held at New Bern, June 12, 1746.[2] From that day till the day of his death twenty-nine years later, he served continuously in the Assembly, and gradually forged his way to the front until in 1766 he was elected speaker of the House of Commons, thus becoming the leader of the people in their contest with the Crown and its representative, the governor.

During the second decade of his services, that is from 1754 to 1764, the most important work with which Harvey was concerned was in connection with the French and Indian War. During this critical period in our history, it was the misfortune of the colony to be governed by Arthur Dobbs, a dull, overbearing Irishman, who was so bitterly hostile to the French both as his country's hereditary foes and as Roman Catholics, that he made the wringing of money and soldiers out of the province for the prosecution of the war almost the sole object of his administration. The Assembly met his demands as liberally as it thought the situation and circumstances of the province justified, but it could not satisfy the governor. Greater demands pressed in impolitic language gave rise to sharp controversies over the powers of the Crown and the privileges of the Assembly. The governor, caring nothing for the privileges of the people and eager only to please the king and his ministry, was willing to raise troops and levy taxes for their support without regard to the Assembly; the Assembly, on the other hand, determined to keep the purse strings in its own hands and stoutly maintained that the only authority on earth that could legally levy

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2. Col. Rec. IV., 318.

taxes on the people of North Carolina was their representatives in the General Assembly. It was in these debates that John Harvey won his way to the leadership of the people.

Though Harvey was firm in opposing the governor's efforts to usurp the functions of the Assembly, he nevertheless took broad and liberal views as to the duty of North Carolina in the struggle against the French. In the Assembly of 1754 he served on a committee which recommended an appropriation of £8,000 for war purposes, and secured its passage.[3] Within less than a year, all British-America was thrown into consternation by the disastrous ending of Braddock's expedition. Governor Dobbs promptly called the Assembly together in special session and in a sensible, well-written address suggested that "a proper sum cheerfully granted at once will accomplish what a very great sum may not do hereafter."[4] The House immediately went into committee of the whole with John Harvey as its presiding officer, to consider the means of raising £10,000. Harvey was on the committee which prepared the bill, by which £10,000 and three companies of soldiers were placed at the disposal of the governor. In 1756 the Assembly voted an appropriation of £4,400,[5] and in 1757 an appropriation of £5,000, for war purposes.[6] Harvey was again the leader of the House in securing these appropriations.

In the meantime the war had been going against the English. The summer of 1757 was one of the

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3. Col. Rec., V., 243 et seq.
4. Col. Rec., V., 495 et seq.
5. Col. Rec., V., 734.
6. Col. Rec., V., 829 et seq.

gloomiest in the annals of the British empire. Success everywhere, in Europe, in India, and in America, crowned the arms of France. In America the French Empire "stretched without a break over the vast territory from Louisiana to the St. Lawrence."[7] The Indians called Montcalm the "famous man who tramples the English under his feet."[8] In July, however, a new force, fortunately for the American colonies, was introduced into the contest which, it is not mere rhetoric to say, in a few months raised the banner of England from the dust of humiliation to float among the most exalted stars of national glory. This force was the genius of William Pitt, "the greatest war minister and organizer of victory that the world has seen."[9] Under the inspiration of his genius British armies in every quarter of the globe marched from victory to victory; and the summer of 1758 was as glorious as the summer of 1757 had been gloomy. In America the French stronghold at Louisburg fell before the assaults of the New England militia; Fort Frontenac, the strongest French post on the frontier of New York, surrendered; while Virginia and North Carolina troops took Fort Duquesne and rebaptized the place as Fort Pitt in honor of England's great war minister.

Within his sphere, as William Pitt did within his, John Harvey contributed his full share toward the achievement of these triumphs. The North Carolina Assembly had quarrelled with Governor Dobbs, but inspired by the words and spirit of Pitt it made renewed efforts to support the war. Under the

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7. Green: Short History of the English People.
8. Parkman: Montcalm and Wolf, I., 489.
9. Fiske: New France and New England, 315.

leadership of John Harvey, it voted to raise three more companies of troops and appropriated £7,000 for their support; and requested that the governor send them forward to the army in Virginia "without loss of time."[10] These troops, under the command of Colonel George Washington, led the party that captured Fort Duquesne. In the winter of 1758, the Assembly voted another appropriation, £2,500, for the North Carolina troops then serving on the Ohio.[11] After this Governor Dobbs made a total failure in his efforts to direct the Assembly. More zealous than judicious, he allowed himself to become involved in a foolish quarrel over a trifling matter, and rather than yield a little where resistance could do no good, he foolishly threw away the supplies which a burdened people reluctantly offered. Quarrel followed quarrel; the sessions were consumed with quarrels. The Assembly, insisting upon its constitutional rights, refused to vote appropriations and levy taxes at the command of a royal governor; and Dobbs, in an outburst of wrath, wrote to the authorities in England that the members were "as stubborn as mules," and appealed to the king to strengthen his authority so that he might "prevent the rising spirit of independency stealing into this colony."[12]

In March, 1765, Dobbs died and was succeeded by William Tryon. Tryon called a new Assembly to meet at New Bern, November 3, 1766.[13] On the first day of the session, records the journal, Richard Cas-

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10. Col. Rec., V., 1003.
11. Col. Rec., V., 1063.
12. Col. Rec., VI., 251.
13. Col. Rec., VII., 342.

well "moved that John Harvey, Esquire, be chosen speaker; and [he] was unanimously chosen speaker and placed in the chair accordingly. Mr. Howe and Mr. Fanning waited on his Excellency, the Governor, and acquainted him the members had made choice of a speaker, and desired to know when they should wait on him for his approbation; and being returned acquainted the members that his Excellency said he would receive them immediately. The members waited on his Excellency the Governor in the Council Chamber and presented John Harvey, Esquire, to his Excellency for approbation, who was pleased to approve of their choice. Then Mr. Speaker asked his Excellency to confirm the usual privileges of the House, particularly of that of freedom of speech, to which his Excellency for answer was pleased to say that the House might depend he would preserve to them all their just rights and privileges."

Thus John Harvey at last had come to his own. Since the people then had no voice in the choice of their governor, the highest office within the gift of their representatives was the speakership of the Assembly. To this office the ambitious politician aspired, and to it the leader of the popular party was generally elected. This position John Harvey now assumed and during the remaining ten years of his life he never lost it, though he was once forced by ill health to lay it aside temporarily. It is of course impossible from the bare records that have been preserved to estimate accurately the exact share which he had in all of the stirring scenes enacted in the province during the next ten years; nevertheless, we know that as the recognized leader of the popular party his was the mind that directed the movements which inaugurated

the Revolution in North Carolina, that he was himself the author of many of them, while none was attempted until he had been consulted and his co-operation secured.

Grave matters, destined to change the course of history, awaited the attention of Mr. Speaker Harvey and the Assembly of 1768. The Stamp Act had been repealed, but the continent was now in a turmoil over the Townshend Acts. Massachusetts and Virginia had issued their famous circular letters inviting the co-operation of the other colonies in concerting measures of resistance in order, as they said, that their petitions and remonstrances to the king "should harmonize with each other." These circular letters, as I have already pointed out, were the first step in the formation of the American Union. On November 11, 1768, Mr. Speaker Harvey laid them before the Assembly for consideration.[14] The Assembly promptly directed the speaker to answer them and ordered that a committee, of which Harvey was chairman, be appointed to prepare an address to the king protesting against the acts of Parliament levying taxes on the colonists. In his letter to the speaker of the Massachusetts Assembly Harvey said:

"I am directed to inform you that they [the members of the North Carolina Assembly] are extremely obliged to the Assembly of Massachusetts Bay for communicating their sentiments on so interesting a subject; and shall ever be ready firmly to unite with their sister colonies in pursuing every constitutional measure for redress of the grievance so justly complained of. This House is desirous to cultivate the

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14. Col. Rec., VII., 928.

strictest harmony and friendship with the assemblies of the colonies in general, and with your House in particular. . . . The Assembly of this colony will at all times receive with pleasure the opinion of your House in matters of general concern to America, and be equally willing on every such occasion to communicate their sentiments, not doubting of their meeting a candid and friendly acceptance."[15]

In the address to the king, which Harvey as chairman of the committee probably wrote, the king was reminded that in the past whenever money was needed for the service of the public, the Assembly, upon the request of the king, had "cheerfully and liberally" voted it; and a like compliance in the future was promised. Then occurs the following passage remarkable for the plainness and boldness of its utterance:

"We therefore humbly beseech your Majesty to do us the justice to believe that on any future demand of a necessary supply for the support of Government or defence of your Majesty's dominions, the inhabitants of this province will, with the utmost cheerfulness and alacrity, contribute their full quota, but humbly conceive that their representatives in Assembly can alone be the proper judges not only what sum they are able to pay, but likewise of the most eligible method of collecting the same. Our ancestors at their first settling, amidst the horrors of a long and bloody war with the savages, which nothing could possibly render supportable but the prospects of enjoying here that freedom which Britons can never purchase at so [too?] dear a rate, brought with them inherent in their persons, and transmitted down to their posterity, all

15. The Boston Evening Post, May 15, 1769.

the rights and liberties of your Majesty's natural born subjects within the parent State, and have ever since enjoyed as Britons the privileges of an exemption from any taxations but such as have been imposed upon them by themselves or their representatives, and this privilege we esteem so invaluable that we are fully convinced no other can possibly exist without it. It is therefore with the utmost anxiety and concern we observe duties have lately been imposed on us by Parliament for the sole and express purpose of raising a revenue. This is a taxation which we are firmly persuaded the acknowledged principles of the British Constitution ought to protect us from. Free men cannot legally be taxed but by themselves or their representatives, and that your Majesty's subjects within this province are represented in Parliament we cannot allow, and are convinced that from our situation we never can be."[16]

The king turned a deaf ear to all such addresses and petitions. Thereupon the Americans began a movement to impress the people of England with a sense of the seriousness of the situation in order that public opinion in England itself might be brought to bear on the Crown and on Parliament. This plan proposed that all the colonies should bind themselves to purchase and import no more goods from British merchants and manufacturers until the acts of which they complained were repealed. The Americans shrewdly conceived that the quickest and surest way to strike John Bull's sense of justice was through his pocket-book. Such agreements, called the "Non-Importation Association," were drawn up and sent to

16. Col. Rec., VII., 980.

all the colonies for adoption. John Harvey brought the matter to the attention of the North Carolina Assembly, November 2, 1769.[17] The Assembly had it under consideration when the governor, hearing of its purpose, hastily put an end to the session.

This sudden turn of affairs would have been a fatal blow to the patriot cause in North Carolina had it not been for the courage and prompt decision of John Harvey. Everybody knew that the effectiveness of the "Non-Importation Association" as a weapon for fighting the Townshend duties depended upon the unanimity with which it was adopted and enforced. Any one colony, especially so large and important a colony as North Carolina, could defeat the whole scheme. Governor Tryon knew that well enough and doubtless congratulated himself that he had been in time to prevent its adoption in North Carolina. But Tryon underestimated the boldness and resourcefulness of John Harvey, who resolutely threw himself into the breech and called upon the members of the Assembly to meet in a convention independent of the governor "to take measures for preserving the true and essential interests of the colony." Sixty-four of the seventy-seven members rallied at his call, organized as a convention, and elected Harvey moderator. After discussing the situation fully during a session of two days, the convention agreed upon a complete plan of non-importation and recommended it to the people in order to show their "readiness to join heartily with the other colonies in every legal method which may most probably tend to procure a redress"

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17. Col. Rec., VIII., 121-24.

of grievances.[18] When this same plan of non-importation was tried in opposition to the Stamp Act it was not successful and the Loyalists were disposed to ridicule the attempt to revive it against the Townshend Acts. But a new element had now entered into the controversy: the union sentiment had developed into a reality, and the patriots taking advantage of this fact, pushed the new movement with vigor and success. Colony after colony joined in the agreement, and when North Carolina, under the leadership of John Harvey, came in, the Whig papers declared with great satisfaction: "This completes the chain of union throughout the continent for the measure of non-importation and economy."

In 1771 Governor Tryon was appointed governor of New York and was succeeded in North Carolina by Josiah Martin. Martin was a man ill calculated to conduct an administration successfully even in ordinary times. Stubborn and tactless, obsequious to those in authority and overbearing to those under authority, he suddenly found himself in a position that required almost every quality of mind and character that he did not possess. No worse selection could have been made at that time; the people of North Carolina were in no mood to brook the petty tyranny of a provincial governor, and Martin's personality became one of the chief factors that drove men headlong into revolution, and prepared the colony, first of all the colonies, to take a definite stand for independence.

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18. For a complete copy of these proceedings see Connor's "John Harvey," in *North Carolina Booklet,* Vol. VIII., No. 1, pp. 21-26.

At the very outset of his administration the dull, unelastic mind of Martin came into sharp contact with the vigorous intellect and determined spirit of John Harvey. One of the vexing problems with which the Assembly had long been dealing was the boundary line between North Carolina and South Carolina. The king had ordered the line to be run in such a way as to work to the disadvantage of North Carolina, but the Assembly had declined to vote any money for the purpose. Finally, in the summer of 1772, the king instructed Governor Martin to have the line run and to send the bill to the Assembly with the royal command that it be paid. But when Martin sent his demand for the money, it was met by a prompt and sharp refusal. In order to give it an opportunity to reconsider its action which, under its rules it seems could not be done at that session, Martin prorogued the Assembly for three days. When he was ready to meet the Assembly on the third day he found to his astonishment that the majority of the members had gone home. He convened those who had remained and commanded them to proceed to business. There had long been a dispute between the Assembly and the royal governors as to the number of members necessary to make a quorum. The Assembly insisted that a majority was necessary; the governors fixed upon a smaller number. The dispute now became a practical matter. The members refused to organize for business unless a majority should return. Martin sent for Harvey and asked if he expected a sufficient number to return to make a majority. Harvey replied that he had not the least expectation that any such event would occur; whereupon Martin in an outburst of rage declared that "the Assembly had deserted the

business and interests of their constituents and flagrantly insulted the dignity and authority of government," and forthwith dissolved them.[19]

In the meantime the quarrel with the king and Parliament continued with increasing bitterness, and it had become apparent to all that if the Americans expected to make a successful stand for their liberties they must stand and act in concert. In the spring of 1774, therefore, Virginia sent out her call for a continental congress. When Governor Martin learned that North Carolina intended to join in this Congress, he determined to prevent it by refusing to call the Assembly together until it was too late to elect delegates.[20] Tryon as we have seen had adopted this plan to prevent the election of delegates to the Stamp Act Congress, but Martin lacked a good deal of Tryon's tact and personality, and the men with whom he was contending were not the kind to be caught twice in the same trap. James Biggleston, the governor's private secretary, let the secret out by communicating the governor's intention to John Harvey. Harvey flew into a rage. "In that event," he exclaimed, "the people will convene an assembly themselves." He promptly consulted Samuel Johnston, Edward Buncombe, and other leaders. On April 5, 1774, Johnston wrote the following interesting letter to William Hooper:

"Colonel Harvey and myself lodged last night with Colonel Buncombe, and as we sat up very late the conversation turned on continental and provincial affairs. Colonel Harvey said during the night, that Mr.

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19. Col. Rec., IX., 594-96.
20. Col. Rec., IX., 959.

Biggleston told him, that the governor did not intend to convene another Assembly until he saw some chance of a better one than the last; and that he told the secretary that then the people would convene one themselves. He was in a very violent mood, and declared he was for assembling a convention independent of the Governor, and urged upon us to cooperate with him. He says he will lead the way and will issue hand-bills under his own name. . . . As for my part, I do not know what better can be done. . . . Colonel Harvey said that he had mentioned the matter only to Willie Jones, of Halifax, whom he had met the day before, and that he thought well of it, and promised to exert himself in its favor. I beg your friendly counsel and advice on the subject, and hope you will speak of it to Mr. Harnett and Colonel Ashe, or any other such men."[21]

Harvey's bold and revolutionary proposition fell upon willing ears. The people rallied to his support, the convention was called, and in defiance of Governor Martin's proclamation forbidding it, met at New Bern, August 25, 1774.[22] Seventy-one delegates were present. When they came to choose their presiding officer, all involuntarily turned to one man, the father of the convention. A series of resolutions was adopted denouncing the acts of Parliament, stating the position of the Americans, expressing approval of the call for a continental congress, and naming three delegates to represent North Carolina. John Harvey was then authorized to call another convention whenever he deemed it necessary. It was then unanimously

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21. Col. Rec., IX., 968.
22. Col. Rec., IX., 1029, 1041.

resolved "that the thanks of this meeting be given to the Hon. John Harvey, Esquire, moderator, for his faithful exercise of that office and the services he has thereby rendered to this province and to the friends of America in general."

No more significant step was ever taken in North Carolina than the successful meeting of this convention. It revealed the people to themselves; they now began to understand that there was no special magic in the writs and proclamations of a royal governor; they themselves could elect delegates, organize conventions, and enact laws without the intervention of a king's authority. This was a long step toward independence and self-government; John Harvey took it, the people followed.

Because Boston would not pay for the tea destroyed by the Boston Tea Party, Parliament passed the Boston Port Bill closing that port and forbidding any vessel to import or export any cargoes into or out of its harbor. During the summer of 1774 the distressed condition of the people of Boston, because of this measure, touched the hearts of the American people. "The cause of Boston is the cause of all," became the watch word of the patriots throughout the continent.

The Congress of North Carolina took up the cry and the people, by their contributions, showed that their sympathy lay deeper than words. Wilmington, New Bern, Edenton and the surrounding counties dispatched ship-loads of supplies free of all freight charges to be used for the poor of the New England

city. On September 20, 1774, John Harvey addressed the following letter to the Boston Committee of Correspondence:

Perquimans Co., 20th Sept., 1774.[23]

HONORABLE GENTLEMEN:

Joseph Hewes, Esquire, appointed a trustee with me to collect the donations of the inhabitants of two or three counties in the neighborhood of Edenton, for the relief of our distressed brethren of Boston, being absent attending the Continental Congress at Philadelphia, I have the pleasure to send you, as per enclosed bill of lading, of the sloop *Penelope,* Edward Herbert, master, which [I] wish safe to hand, and that you will cause the amount of the same to be divided among the poor inhabitants according to their necessities.

"The Captain has received the most of his freight here. The balance will be paid him on return, the cargo to be delivered clear of any expense; which you would have received some months sooner, but the difficulty of getting a vessel on freight prevented. [I] hope to be able to send another cargo this winter, for the same charitable purpose, as the American inhabitants of this colony entertain a just sense of the sufferings of our brethren in Boston, and have yet hopes that when the united determinations of the Continent reach the royal ear, they will have redress from the cruel, unjust, illegal and oppressive late acts of the British Parliament. I take the liberty to inclose you

23. Massachusetts Historical Society Collections, 4th Series, Vol. 4, p. 85-86.

the resolves of our provincial meeting of deputies, and have the honor to be, with the most perfect respect and esteem, in behalf of Mr. Hewes and self,

"Honorable Gentlemen, your most obedient and very humble servant,

JOHN HARVEY."

This cargo was received October 15th probably at Salem or Marblehead, which towns had offered their harbors and wharves free of charge to Boston. It consisted of 2,096 bushels of corn, 22 barrels of flour, and 17 barrels of pork, which, as the Boston committeemen said in their letter of thanks to Harvey, was a noble and generous donation from their worthy brethren and fellow countrymen of the two or three counties in the neighborhood of Edenton. "We thank you," continued the Boston Committee, "for the resolves of your provincial meeting of deputies, which you were so kind as to inclose. We esteem them as manly, sprited and noble, worthy of our patriotic brethren of North Carolina."[24]

Foiled by Harvey's bold and determined action in his purpose to keep North Carolina aloof from the Continental Congress, Governor Martin made the best of a bad situation and summoned the Assembly to meet him at New Bern April 4, 1775. John Harvey immediately called a second congress to meet at the same place April 3rd.[25] It was a wise precaution, for the Assembly sat only at the pleasure of the governor who would of course dissolve it at the first manifestation of opposition to the Crown. It was Harvey's

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24. Massachusetts Historical Society Collections, 4th Series, Vol. 4, p. 86-88.
25. Col. Rec., IX., 1125.

plan that the members of the Assembly should also be members of the Congress, and this plan was generally carried out. There were, however, a few members of each body who were not members of the other. Martin was furious and denounced Harvey's action in two resounding proclamations.[26] The Congress replied to it by electing Harvey moderator, the Assembly by electing him speaker.[27] The governor roundly scored both bodies, and both bodies roundly scored the governor. It was indeed a pretty situation. One set of men composed two bodies—one legal, sitting by authority of the royal governor and in obedience to his writ; the other illegal, sitting in defiance of his authority and in direct disobedience to his proclamation. The governor impotently demanded that the former join him in denouncing and dispersing the latter, composed of the very men whose aid he solicited. The two bodies met in the same hall, the Congress at nine o'clock, the Assembly at ten, and were presided over by the same man. When the governor's private secretary was announced at the door, says Colonel Saunders, in an instant, in the twinkling of an eye, Mr. Moderator Harvey would become Mr. Speaker Harvey, and gravely receive his Excellency's message.[28]

Neither body accomplished much. The Congress adopted resolutions approving the measures of the Continental Congress and recommended them to the people of the province. A resolution declaring that the people had a right to assemble in person or through

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26. Col. Rec., IX., 1145, 1177.
27. For proceedings of these two bodies see Col. Rec., IX., 1178-1185, 1187-1205.
28. Col. Rec., Prefatory Notes, IX., xxxiv.

their representatives to petition the Throne for redress of grievances was adopted and the governor's proclamation forbidding the meeting of the Congress was denounced as "illegal and an infringement of our just rights and, therefore, ought to be disregarded as wanton and arbitrary exertions of power." Hooper, Hewes, and Caswell were re-elected delegates to the Continental Congress, and a resolution thanking them for their services was adopted. Finally a resolution was adopted authorizing John Harvey, or in the event of his death Samuel Johnston, to call a session of Congress whenever he deemed it necessary. The Congress then adjourned.

The Assembly had time only to organize and exchange messages with the governor when it, too, came to a sudden end. Its first offense was the election of John Harvey speaker. The governor had authority to veto the Assembly's choice if he saw fit, but however bitter the pill was he did not dare reject it. In a letter to Lord Dartmouth the secretary of state for the colonies, Martin described his humiliation in the following language:

"On the 3d instant, the time appointed for the meeting of the Convention . . . hearing that many deputies from the counties were come here, I issued the proclamation, of which I now transmit your Lordship a copy numbered 1,[29] notwithstanding which I found this unlawful body met for a short time and elected Mr. Harvey moderator, by whose advertisement it had been convened. I still hoped the Assembly on what I had to say to it would secede from this Convention, although I well knew that many of the members had

29. Col. Rec., IX., 1177.

been sent as deputies to it. And this hope, together with my desire to lay no difficulties in the way of the public business, induced me on the next day to admit the election of Mr. Harvey, who was chosen speaker of the Assembly, and presented by the House for my approbation. Indeed, to say the truth, my Lord, it was a measure to which I submitted upon these principles not without repugnance even after I found the Council unanimously of the opinion that it would not be expedient to give a new handle of discontent to the Assembly by rejecting its choice if it should fall as was expected upon Mr. Harvey, for I considered his guilt of too conspicuous a nature to be passed over with neglect. The manner, however, of my admitting him, I believe sufficiently testified my disapprobation of his conduct while it marked my respect to the election of the House."[30]

The next day the Assembly committed its second offense by inviting the delegates to the Congress, who were not also members of the Assembly, to join in the latter's deliberations. The governor promptly sent the sheriff of Craven county with his proclamation to forbid this unhallowed union. The only notice taken of it was by James Coor, one of the members from Craven. After the sheriff had read the proclamation, Coor retorted: "Well, you have read it and now you can take it back to the governor."[31] "Not a man obeyed it," reported Martin to Lord Dartmouth. Thus far the governor had kept his temper very well. But on the fourth day of the session, the Assembly adopted resolutions approving of the measures of the Conti-

30. Col. Rec., IX., 1212.
31. Col. Rec., IX., 1213.

nental Congress, thanking the North Carolina delegates for their services, and endorsing their re-election. This was more than the governor had bargained for, and when he learned of it his wrath boiled over. He promptly issued his proclamation dissolving the Assembly, April 8, 1775. This was the last Assembly that ever met in North Carolina under the authority of Great Britain and by its dissolution, Josiah Martin put an end forever to British rule in that province. In a letter to Lord Dartmouth describing these events he said:

"I am bound in conscience and duty to add, my Lord, that government is here as absolutely prostrate as impotent, and that nothing but the shadow of it is left. . . . I must further say, too, my Lord, that it is my serious opinion which I communicate with the last degree of concern that unless effectual measures, such as British spirit may dictate, are speedily taken there will not long remain a trace of Britain's dominion over these colonies."[32]

It was impossible for Josiah Martin to let slip an opportunity to vent his wrath at a rival. John Harvey had long been a justice of the peace in Perquimans County. Three days after the dissolution of the Assembly, Governor Martin laid before the Council the proceedings of the late Provincial Congress, which were signed by "John Harvey, moderator, wherein," says the journal of the Council, "are certain resolves highly derogatory to the honor and dignity of his Majesty's government, tending to destroy the peace and welfare of this province, in the highest degree oppressive of the people, and utterly subversive of the

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32. Col. Rec., IX., 1215.

established constitution. He therefore submitted to the consideration of this Board the propriety of marking its indignation of such unlawful and dangerous proceedings by striking Mr. John Harvey out of his Majesty's commission of the peace for the county of Perquimans where he resides."[33] The councillors of his Majesty's governor gravely concurred in these sentiments, and John Harvey's judicial head fell at the block.

But little cared John Harvey. His time for earthly honors and earthly contests was rapidly drawing to its close. His pale cheeks and wasted frame warned both him and his colleagues that his end was not far off and, as we have seen, the Congress had prepared for the vacancy his death would make in their ranks by selecting as his successor his life-long friend and neighbor, Samuel Johnston. Within less than two months after the adjournment of his last Congress and the dissolution of his last Assembly the expected event occurred, hastened by the shock of a fall from a horse. These last days were passed under the clouds of a rapidly approaching revolution. That revolution no man in North Carolina had done so much to produce as John Harvey. No man had watched its outcome with greater confidence, or awaited it with greater hope. How well he had marked out the course it was to take, how carefully he had watched over its feeble beginnings, and how effectively he had organized the forces which were to propel and guide it, is shown by the fact that though his strong hand was snatched from the helm at the most critical moment, nevertheless the Revolution moved on apace without

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33. Col. Rec., IX., 1215.

a jar, without swerving an instant from its destined end. It is one of the tragedies of human life that men often are not permitted to see and enjoy the fruits of their labors and sacrifices. So it was with this man of the people, this political leader with the vision of a prophet, this organizer of a Revolution destined to mark the beginning of an era in the history of mankind. *The South Carolina Gazette and Country Journal,* published at Charleston June 6, 1775, contained the following letter written at New Bern, May 19th:

"With inexpressible grief and concern we have received from Edenton the melancholy account of the death of Col. John Harvey, of Perquimans County, who a few days since died at his seat there after a very short illness, occasioned, it is said, by a fall from his horse. The respectable and uncommon character of this worthy member of society has, for many years past, placed him in the highest department of this province in the gift of the people, that of speaker of the House of Assembly; and the great assiduity and diligence with which he discharged that, and many other important trusts committed to his care, and his perseverance in seeking the real and substantial good of his country, renders his death a public loss, which will be truly lamented by a grateful people. It is hoped that some abler pen will do justice to his Manes; we can only say, that as in public life all his actions were directed to the good of his country, so in private his house was one continued scene of hospitality and benevolence, and his purse, his hand and heart, were ever devoted to the service and relief of the distressed. In him the advocates for American freedom have lost a real and true friend! In him this province may mourn a substantial and irretrievable loss."

On the last day of May, Robert Howe, Cornelius Harnett and John Ashe, three patriots who had never failed to follow when John Harvey led the way, wrote to Samuel Johnston: "We sincerely condole with all the friends of American liberty in this province on the death of our worthy friend, Colonel Harvey. We regret it as a public loss, especially at this critical juncture."[34]

"He will be much missed," wrote Joseph Hewes from Philadelphia. "I wish to God he could have been spared."

Few the words, but sincere the tribute, from men who knew his virtues and appreciated his worth.[35]

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34. Col. Rec., IX., 1285.
35. For a fuller account of the career of John Harvey see Connor's "John Harvey" in *North Carolina Booklet*, Vol. VIII., No. 1 (July, 1908).

III

CORNELIUS HARNETT

Cornelius Harnett was one of that group of North Carolina statesmen whose leadership during the decade and a half following the passage of the Stamp Act swung North Carolina into line with the great continental movement of the American colonies, overthrew the royal authority in the province, and set in motion the wheels of government in the independent state. From this group his conspicuous ability as an organizer and administrator led his associates to place him at the head of the Revolutionary government where his great executive powers contributed largely to the success of the Revolution in North Carolina.

Harnett first came into prominence in the affairs of the province as the leader of the Cape Fear section. Born the same year in which that region was opened to settlement, and taken thither by his father from Chowan county when a babe of three years, Cornelius Harnett grew to manhood as the settlement developed from a wilderness into a civilized community. He entered upon his public career just as the Cape Fear section was on the point of wresting the palm of leadership in colonial affairs from the Albemarle section, and during the two decades in which he was the leader of the Cape Fear that section reached the highest point of influence it has ever attained in the history of the state. He early became identified with the interests of Wilmington and was one of the leaders in the industrial development of that town and the surrounding country. Growing up with the Cape Fear section, he became thoroughly imbued with the

spirit of the new country, of which the dominant note, then, as now, was high standards of personal integrity and honor, and passionate devotion to that ideal of individual liberty which calls every man's house his castle. The customs of the people, their habits of thought, their feelings and sentiments, and their faults and virtues, all became his own. His intimate knowledge of their life and character, his sympathy with their ideals and ambitions, his wealth and his attractive social qualities, his genius and his culture, combined to make him the leader in the movements of which Wilmington was soon to become the center, and produced in him, as he has been called, "the representative man of the Cape Fear."

Harnett's public career extended over a period of thirty years. In April, 1750, he entered upon the duties of his first office. In April, 1781, he died. Between these two dates he was continuously in the service of his town, his county, his state, and his country. In 1754 he became a member of the General Assembly as the representative of the borough of Wilmington. Twelve other Assemblies were held in North Carolina under the authority of the British Crown in all of which Harnett sat for Wilmington. His legislative career covered a period of twenty-seven years and embraced service in the Colonial Assembly, in the Provincial Congress, and in the Continental Congress. There was nothing dramatic about his services. He had no power, as William Hooper had, to stir men's passions with an outburst of eloquence, nor had he, like Richard Caswell, the military genius to inflame their imaginations by a brilliant feat of arms. Yet a careful and scholarly student after a painstaking study of the records more than a century after Har-

nett's death unhesitatingly declared as his sober judgment: "To one who studies impartially the annals of this state during the last half of the eighteenth century, the conviction will become irresistible that the mightiest single force in North Carolina history during the whole of the Revolutionary period was Cornelius Harnett, of New Hanover county."[1]

The second decade of Harnett's legislative career began with the coming of William Tryon and the passage of the Stamp Act. Tryon took the oath of office April 3, 1765. At that time the Stamp Act was the chief topic of discussion in the political circles of America. The opposition to it in North Carolina brought to the front a new set of leaders and for the first time put them in touch with continental affairs. Among these leaders Cornelius Harnett soon became conspicuous. Even before the passage of the Stamp Act, the Assembly, through a committee of which Harnett was a member, had united with the other colonies in protesting against the proposed stamp duty.[2] During the summer following its passage public demonstrations were made against it in various parts of the colony. At Wilmington large crowds gathered from the surrounding counties, listened to the harangues of popular orators on the rights of the colonies, drank toasts to "Liberty, Property and no Stamp Duty," hanged Lord Bute, the king's minister, in effigy, compelled the stamp agent to resign his office, required the printer to publish his newspaper without affixing the necessary stamps, and organized an association pledged to resist the Stamp Act to the

1. Smith, C. Alphonso: "Our Debt to Cornelius Harnett," in *North Carolina University Magazine,* May, 1907, p. 379.
2. Colonial Records, VI., 1296.

death.[3] A few weeks later the royal sloop-of-war, *Diligence,* Captain Phipps, with a cargo of stamps for the colony, cast anchor off Brunswick. Quickly spread the news of her arrival. Up and down the Cape Fear, and far into the country, men snatched their rifles, and hurried to Brunswick where they declared their purpose to resist any attempt to land the stamps in North Carolina. A month later Governor Tryon wrote to the authorities in England, "the stamps remain on board the said ship;" and after still another month, he added, "where they still remain."

Day by day the people and the governor kept watch on each other, anxiously awaiting the result of the contest. With the opening of the new year, 1766, the struggle reached its climax. Three merchant vessels which arrived at Brunswick without stamps on their clearance papers, were instantly seized by the man-of-war, *Viper,* and their cargoes confiscated. The people now rose in open rebellion, and with arms in their hands boarded the royal Cruizer, and forced her commander to release the captured vessels. To prevent any further danger from this source, the leaders of the people now determined to require all royal officials, except the governor, to take an oath not to make any further attempt to execute the Stamp Act. One of these officials, a Mr. Pennington, the king's comptroller, sought refuge in the governor's house. The people surrounded the house and demanded that they be permitted to speak with Pennington. Tryon replied: "Mr. Pennington being employed by his Ex-

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3. For the proceedings against the Stamp Act on the Cape Fear see Colonial Records, VII., 123 et seq.

cellency on dispatches for his Majesty's service, any gentleman that has business with him may see him at the governor's house." A few hours later Tryon observed "a body of men in arms from four to five hundred," moving about his house. Three hundred yards away they drew up in line and sent a detachment of sixty men down the long avenue to the front door of the governor's mansion. At the head of this detachment as its leader and spokesman marched Cornelius Harnett.

Now followed the most dramatic scene of the struggle over the Stamp Act, a brief but intense interview between William Tryon, representative of the king's authority, and Cornelius Harnett, representative of the people's will, for possession of one of the king's officers. Harnett opened the interview by demanding that Pennington be allowed to go with him. Tryon replied that Pennington had come to his house seeking refuge, that he was an official of the Crown, and as such should receive all the protection the governor's roof and dignity of character could afford him. Harnett insisted. "The people," said he, "are determined to take him out of the house if he is longer detained, an insult," he added quickly, "which they wish to avoid offering to your Excellency." "An insult," retorted Tryon, "that will not tend to any consequence, since they have already offered every insult in their power, by surrounding my house and making me in effect a prisoner before any grievance or oppression had been first represented to me." During this interview Pennington became restless and finally said that he would go with Harnett. To Tryon he declared that whatever oaths might be imposed upon him, he would consider as acts

of compulsion and not of free will. "I would rather resign my office," he added, "than do anything contrary to my duty to the king and to your Excellency." "If that is your determination," replied the disgusted governor, "you had better resign before you leave here." Harnett quickly interposed his objection to this sudden turn of affairs, but Pennington sided with the governor. Paper and ink were accordingly brought and the resignation was written and promptly accepted. "Now, sir," said Tryon, bitterly, "you may go;" and Harnett led the frightened official out of the house to his followers who were waiting for him outside. They then rejoined the main body of the "inhabitants in arms," and the whole withdrew to the town. There they drew up in a large circle, placed the royal officials in the center, and administered to them all an oath "that they would not, directly or indirectly, by themselves or by any other person employed under them, sign or execute in their several offices any stamped papers, until the Stamp Act should be accepted by the province." The clerk of the court and all the lawyers were sworn to the same effect; and as each took the pledge the cheers of the crowd bore the news to the enraged and baffled governor as he sat alone in his room keenly conscious of his defeat.[4]

Throughout this contest the conduct of no man stands out so conspicuously as that of Cornelius Harnett. From the announcement of the British ministry's intention to levy a stamp duty in America, he was

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4. For more detailed accounts of these proceedings see Connor; Cornelius Harnett: An Essay in North Carolina History, 30-47; Waddell: A Colonial Officer and His Times, 73-129; Ashe: History of North Carolina, I., 310-325; Sprunt: Cape Fear Chronicles, 67-78.

among the foremost in opposition; and it is stating nothing more than the records will bear out to say that when the struggle closed, no man could justly claim more credit for the failure of the Stamp Act in North Carolina than he. At the beginning of the struggle there were several strong, forceful men in Wilmington and Brunswick capable of leading the opposition, but none of them stood so conspicuously above the others that he can be designated as the leader; but as the contest progressed the opposition centers more and more around Cornelius Harnett, until at its climax he and Tryon stand face to face, the acknowledged leaders of their respective causes. "Before this incident," as Dr. C. Alphonso Smith has so well said, "Harnett had been best known as a skillful financier. . . . But after his defiance of Tryon in 1766 —an act performed ten years before the Declaration of Independence and seven years before the Boston Tea Party—Harnett became in an especial sense the leader of his people and the target of British malevolence and denunciation. Every State boasts its heroes of the Stamp Act, but in all the examples of resistance to this oppressive act, I find no deed that equals Harnett's in its blend of courage, dignity and orderliness. He and Tryon had looked each other in the eyes, and the eyes of the Englishman had quailed."

In the struggle over the Stamp Act was born a union sentiment that contained the germs of nationality, and the development of this sentiment in the contests with the mother country from 1765 to 1775 gives to the events of that decade their chief significance. Cornelius Harnett enlisted heartily in this movement, and contributed largely to its success in North Carolina. So far, then, as North Carolina's adherence to the con-

tinental or national cause was a factor in its success, so far must we think of Harnett's work as of national significance, and of himself as entitled to rank as among American statesmen.

The first step taken toward union was the adoption of the Non-Importation Association by the several colonies. But it was a much simpler matter to adopt such an association than to enforce it, for the Tories, of course, opposed the whole scheme, and would gladly have welcomed an opportunity to defeat it. In North Carolina the merchants of the Cape Fear section were the largest importers of British goods in the colony and everybody recognized that their action would determine the matter. No non-importation association could be enforced without their co-operation. Fortunately, Cornelius Harnett, one of the chief merchants of the province, was also chairman of the Sons of Liberty; and under his leadership this powerful organization, representing the towns of Wilmington and Brunswick and the six counties on the Cape Fear, determined that the association should be enforced. They declared that they would have no dealings with any merchant who imported goods "contrary to the spirit and intention" of the Non-Importation Association; and constituted themselves a special committee to inspect all goods imported into the Cape Fear and to keep the public informed of any that were brought in contrary to the association. They then ordered their resolves to be "immediately transmitted to all the trading towns in this colony;" and in the spirit of co-operation, Cornelius Harnett wrote to the Sons of Liberty of South Carolina to inform them of their action. In this letter he said:

"We beg leave to assure you that the inhabitants of those six counties and we doubt not of every county in this province, . . . are tenacious of their just rights as any of their brethren on the continent and firmly resolved to stand or fall with them in support of the common cause of American liberty. Worthless men . . . are the production of every country, and we are also unhappy as to have a few among us 'who have not virtue enough to resist the allurement of present gain.' Yet we can venture to assert, that the people in general of this colony, will be spirited and steady in support of their rights as English subjects, and will not tamely submit to the yoke of oppression. 'But if by the iron hand of power,' they are at last crushed; it is however their fixed resolution, either to fall with the same dignity and spirit you so justly mention, or to transmit to their posterity entire, the inestimable blessings of our free Constitution. The disinterested and public spirited behavior of the merchants and other inhabitants of your colony justly merits the applause of every lover of liberty on the continent. The people of any colony who have not virtue enough to follow so glorious examples must be lost to every sense of freedom and consequently deserve to be slaves."[5]

In the meantime, while Cornelius Harnett and his colleagues were bending all their energies toward the union of the colonies against the authority of Parliament, the revolt of the Regulators in the interior of the province came near to counteracting all the good results of their work. Harnett sympathized with the

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5. South Carolina Gazette and Country Journal, July 5, 1770; July 26, 1770; August 9, 1770.

grievances of the Regulators and in the Assembly advocated measures to relieve them of their burdens;[6] but he disapproved of their violent and destructive methods, and when Governor Tryon marched against them, Harnett accompanied him on his Alamance campaign and contributed largely from his private fortune to the support of his army.

It is not difficult to understand Harnett's feelings. He was keenly aware of the injury the conduct of the Regulators would do to the American cause in England. Though the opposition to the Stamp Act and the Townhend Acts had been firm and decided, it had been carried on peaceably and orderly; yet the Americans had been freely denounced in England as lawless and violent men, delighting in riot and rebellion. They had found it by no means the easiest part of their work to counteract this view even among those who wished them well. The proceedings of the Regulators, when reported to the home government, could not fail to give to their enemies a decided advantage, for the people of the mother country would draw no distinction between the Sons of Liberty on the Cape Fear and the Regulators on the Eno. All would be classed as rebellious subjects who deserved punishment. Besides this, the course of the Regulators, if successful, would divide the people into warring factions at the very time when union was the great essential. Cornelius Harnett understood this. He was too clear sighted and practical a statesman not to see that the movements of the Regulators were antagonistic to the continental movement toward the union of the American colonies against the encroachments of Par-

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6. Col. Rec., VIII., 388-89.

liament. He accordingly threw himself into the campaign against the Regulators with so much earnestness that the Assembly passed special resolutions expressive of its appreciation "of the great service rendered his country by his zeal and activity therein," and voted to reimburse him for "the extraordinary expenses he was at in that service."[7]

The condition of the colony and the quarrels between the Assembly and Governor Josiah Martin, who succeeded Tryon in 1771, made it imperative that the leaders of the popular party should not rest in idleness, and many an anxious conference was held for the purpose of devising a more effective plan of united action. One of the most important, as it was one of the most interesting of these conferences, was held between Josiah Quincy, Jr., of Massachusetts, and Cornelius Harnett, of North Carolina, at the home of the latter on the Cape Fear. Quincy arrived at Brunswick March 26, and spent the next five days enjoying the hospitality of the Cape Fear patriots. In his diary he left us a record of his conferences with these men. This one he found "seemingly warm" against the measures of Parliament; another was "apparently in the Whig interest." The night of March 30th he spent at the home of Cornelius Harnett. Here all doubt of his host's political sentiments vanished. "Spent the night," he records, "at Mr. Harnett's, the Samuel Adams of North Carolina (except in point of fortune). Robert Howe, Esq., Harnett and myself made the social triumvirate of the evening. The plan of continental correspondence highly relished, much wished for, and resolved upon as proper to be pur-

7. Col. Rec., IX., 195-205.

sued." Quincy was so delighted at finding Harnett's views coinciding so entirely with his own, that he sprang up from his chair and gave his host a cordial embrace. Both esteemed the opportunity for further conference of such importance that Quincy remained with Harnett through the next day and night, and then and there they agreed upon the plan for a system of committees of correspondence.[8] This system, as we have seen, was adopted by the North Carolina Assembly at its next session in December. The North Carolina Committee of Correspondence was composed of John Harvey, Robert Howe, Cornelius Harnett, William Hooper, Richard Caswell, Edward Vail, John Ashe, Joseph Hewes and Samuel Johnston.[9]

The work of the committee bore good fruit, for the members brought to their work a truly national spirit in dealing with continental affairs. To use a modern political term, they adopted a platform in which they declared that the inhabitants of all the colonies "ought to consider themselves interested in the cause of the town of Boston as the cause of America in general;" that they would "concur with and co-operate in such measures as may be concerted and agreed on by their sister colonies" for resisting the measures of the British ministry; and that in order to promote "conformity and unanimity in the councils of America" a continental congress was "absolutely necessary."[10] The significance of this system of committees of correspondence was soon apparent. Indeed, as John Fiske declares, it "was nothing less than the beginning of the American Union. . . . It only remained for the

8. Massachusetts Historical Society Proceedings, June, 1916.
9. Col. Rec., IX., 740-41.
10. State Records, XI., 245-48.

various inter-colonial committees to assemble together, and there would be a Congress speaking in the name of the Continent."[11]

We have already seen how the call for a continental congress was made and how, under the leadership of John Harvey, it led to the assembling of the first Provincial Congress of North Carolina, in August, 1774. The most important action of this Congress was the adoption of a resolution providing for the organization of a system of committees of safety to execute the ordinances of the Provincial and Continental Congresses. The plan contemplated one committee in each of the towns, one in each of the counties, one in each of the six military districts into which the colony was divided and one for the province at large.

The most active and efficient of these committees were those of Wilmington and New Hanover county.[12] Of these committees Cornelius Harnett was the master-spirit. When the Wilmington committee was organized, November 23, 1774, though he was then absent from the colony, he was unanimously elected chairman. When the New Hanover committee was organized, January 5, 1775, "to join and co-operate with the committee of the town," he was promptly placed at the head of the joint committee. The people were fully alive to the importance of the step they took

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11. The American Revolution, I., 81.
12. The proceedings of the Wilmington-New Hanover committees may be found in the Colonial Records, Vol. IX., pp. 1088, 1095, 1098, 1101, 1107, 1108, 1118, 1120, 1122, 1126, 1127, 1135, 1143, 1149, 1166, 1168, 1170, 1185, 1222, 1265, 1285; Vol. X., pp. 12, 15, 24, 50, 64, 65, 68, 72, 87, 89, 91, 93, 112, 116, 121, 124, 141, 151, 157, 158, 220, 262, 263, 279, 282, 298, 304, 328, 331, 334, 335, 336, 345, 348, 363, 388, 389, 393, 405, 410, 411, 418, 421, 425, 431, 435, 477.

in organizing these committees. The men whom they selected represented the wealth, the intelligence and the culture of the community. They were men of approved character and ability. Some of them afterwards achieved eminence in the history of North Carolina. Seldom have men entrusted with such extensive authority fulfilled their trust with greater fidelity. They discharged every duty with firmness and patience, with prudence and wisdom, and in the interest of the public welfare. From the first, we are told, Cornelius Harnett was "the very soul of the enterprise," "the life-breathing spirit of liberty among the people," possessing their confidence "to an extent that seems incredible." Archibald Maclaine Hooper says: "The first motions of disaffection on the Cape Fear were prompted by him. When the conjunction favorable for his projects arrived, he kept concealed behind the curtain, while the puppets of the drama were stirred by his wires into acts of turbulence and disloyalty. Afterwards when a meeting was convened at Wilmington, he was bold in the avowal of his sentiments and in the expression of his opinions." As chairman of the joint committee, by his activity in "warning and watching the disaffected, encouraging the timid, collecting the means of defense, and communicating its enthusiasm to all orders," he made this local committee the most effective agency in the province, except the Congress itself, in getting the Revolution under way in North Carolina. Governor Martin recognized in him the chief source of opposition to the royal government; and the Provincial Congress demanded his services for the province at large. When the Provincial Council was created Harnett was unanimously elected president, a position that made

him in all but name the first chief executive of the newborn state. The work of this Council, too, was largely his work, and its success is proof of the ability which he brought to his task.[13]

The effect of the activity of these committees was immediately felt. Under their stimulus the Revolution moved on apace, and by April of 1775, when Governor Martin dissolved the last Assembly under British rule, was in full swing. April of 1775 was a stirring month in North Carolina. It witnessed the convocation and adjournment of the most revolutionary body ever held in the state. It saw the convening and dissolution of the last Assembly ever held under the authority of the British Crown. It saw the governor of the province openly defied in his palace at the capital, closely watched by armed men, and virtually beseiged in his own house. It saw the guns he had set up for his own protection seized and carried off by men he had been sent to rule. It closed upon the flight of the terrified governor from the capital to the protection of the guns at Fort Johnston at the mouth of the Cape Fear river.

The atmosphere was charged with the revolutionary spirit. Men breathed it in with the very air they sucked into their lungs and then showed it forth to the world by their actions. Events crowded one upon another in rapid succession. The committees of safety were everywhere active in the discharge of their various duties, legislating, judging, executing, combining in themselves all the functions of government. The news of the battle of Lexington spread like wildfire through the province, arousing the forward,

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13. The proceedings of the Provincial Council are printed in the Colonial Records, X., 283-294, 349-362, 469-477.

stirring the backward, and putting an end everywhere to all hope of a peaceful conclusion of the difficulties. The news was sped on its way by the committees and in no other instance did they give better evidence of their usefulness.[14] Governor Martin complained that the rebel leaders knew about the battle at least two months before he did, and that he did not learn of it in time to counteract the influence which the "infamous and false reports of that transaction" had on the people.[15] The news reached Cornelius Harnett on the Cape Fear in the afternoon of May 8, and he at once hurried it on to the Brunswick committee with the admonition, "For God's sake send the man on without the least delay and write to Mr. Marion to forward it by night and day." The proceedings of the second Continental Congress, which met amid all this excitement, were followed with the closest attention. John Harvey, after a life devoted to the interest and liberty of his country, died at his home in Perquimans county, leaving a gap in the ranks of the patriots impossible to be filled. Scarcely had this sad news reached the Cape Fear before Cornelius Harnett was joined by Robert Howe and John Ashe in a letter to Samuel Johnston urging him to call a provincial convention without delay.[16] The suggestion met with favor, was endorsed by the committees of several counties, and approved by Johnston. He issued his call July 10th. Six days later Governor Martin wrote to Lord Dartmouth: "Hearing of a proclamation of the king, proscribing John Hancock and Samuel Adams, of Massachusetts

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14. Col. Rec., IX., 1229-1239.
15. Col. Rec., X., 44.
16. State Records, XI., 255.

Bay, and seeing clearly that further proscriptions will be necessary before government can be settled again upon sure foundations in America, I hold it my indispensable duty to mention to your lordship Cornelius Harnett, John Ashe, Robert Howes,[17] and Abner Nash, as persons who have marked themselves out as proper persons for such distinction in this colony by their unremitting labours to promote sedition and rebellion here from the beginnings of the discontents in America to this time, that they stand foremost among the patrons of revolt and anarchy."[18] Within less than a week after this letter was written 500 men, wearied of Governor Martin's abusive proclamations, placed themselves under the leadership of John Ashe and Cornelius Harnett, marched to Fort Johnston, and burned the hated structure to the ground.[19] "Mr. John Ashe and Mr. Cornelius Harnett," wrote the frightened governor, "were ringleaders of this savage and audacious mob."[20] Thirty days later, at the time and place appointed, the third Provincial Congress met in open session in defiance of the rewards offered by the impotent ruler for the arrest of the leaders.

The Congress met at Hillsborough, August 20th.[21] One hundred and eighty-four delegates were present. Cornelius Harnett was there from Wilmington, associated, however, with Archibald Maclaine. Harnett's share in the work of the convention was of the greatest importance, but lack of space forbids an account of it

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17. For this spelling see Col. Rec., X., 98.
18. Col. Rec., X., 98.
19. Col. Rec., X., 114.
20. Col. Rec., X., 108-109.
21. Its proceedings are printed in Col. Rec., X., 164-220.

here. The one thing that can be noticed was the reorganization of the committee system. At the head of the new system and acting as executive head of the new government, was placed a provincial committee, called the Provincial Council. Its membership was composed of thirteen persons, one from the province at large and two from each of the six military districts into which the province had been divided. Serving under this Council were to be committees in the several districts.[22]

Extensive powers were given to the Provincial Council. It was, as I have said, the executive head of the government, subject to no authority except that of the Provincial Congress. The success of this new scheme depended entirely upon the character and ability of the men who were to put it into operation. They were chosen as follows: Samuel Johnston, for the province at large; Cornelius Harnett and Samuel Ashe, for the Wilmington district; Abner Nash and James Coor, for the New Bern district; Thomas Person and John Kinchen, for the Hillsborough district; Willie Jones and Thomas Eaton for the Halifax district; Samuel Spencer and Waightstill Avery for the Salisbury district.

The first meeting was held October 18th, at Johnston Court House. Of this meeting Bancroft writes: "Among its members were Samuel Johnston, Samuel Ashe, a man whose integrity even his enemies never questioned, whose name a mountain county and the fairest town in the western part of the commonwealth keep in memory; Abner Nash, an eminent lawyer, de-

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22. For a more detailed account see Connor: "Cornelius Harnett," 106-110.

scribed by Martin as 'the oracle of the committee of Newbern and a principal supporter of sedition;' but on none of these three did the choice of president fall; that office of peril and power was bestowed unanimously on Cornelius Harnett, of New Hanover whose disinterested zeal had made him honored as the Samuel Adams of North Carolina."[23] By virtue of this office Harnett became the chief executive of the new government. The establishment of this central committee with adequate powers and authority immediately bore good fruit. Governor Martin wrote that the authority, the edicts and the ordinances of the congresses and conventions and committees had become supreme and omnipotent and that "lawful government" was completely annihilated.[24] There can be no better comment upon the effectiveness of the administration of Harnett and his colleagues. Everywhere the spirits and activity of the patriots took on new life, and everywhere, according to Martin himself, the spirits of the Loyalists drooped and declined daily. So effective was the work and so necessary did the Council prove itself to the welfare of the province, the next convention passed a resolution requiring it to sit continuously instead of only once every three months. The Council, now called the Council of Safety, continued at the head of the government until the adoption of the state constitution; and Cornelius Harnett remained at the head of the Council until elected a delegate to the Continental Congress.

It was under the direction of this Council that the North Carolina troops marched to Moore's Creek

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23. History of the United States, Ed. 1860, IV. 98.
24. Col. Rec., X., 49, 232, 244.

Bridge and on the 27th of February, won the initial victory of the Revolution. General Moore's report of his victory was made to President Harnett.[25] This battle entirely changed the aspect of affairs in North Carolina. Heretofore the people had not considered seriously the question of independence; but now no other proposition met with such nearly universal acceptance. Day by day the conviction steadily grew upon them that there was no hope of coming to terms with the royal government, except upon humiliating conditions, and rather than submit to these the people preferred to risk all in a cast for independence.[26] The Congress, which met at Halifax April 4, 1776, was expected to take some definite steps to give official expression to the prevailing desire.[27] The day after the assembling of the Congress Samuel Johnston wrote to James Iredell: "All our people here are up for independence." Accordingly on April 8, a committee was appointed, composed of Cornelius Harnett, Allen Jones, Thomas Burke, Abner Nash, John Kinchen, Thomas Person and Thomas Jones, "to take into consideration the usurpations and violences attempted by the king and Parliament of Great Britain against America, and the further measures to be taken for frustrating the same, and for the better defence of this province." To Cornelius Harnett fell the task of drafting the committee's report. In a report remarkable for its calm dignity and restraint, but alive with

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25. Col. Rec., X., 482, 485; State Rec., XI., 383.
26. For a discussion of the development of the sentiment for independence see Connor: "Cornelius Harnett," pp. 120-151.
27. The Journal of this Congress is printed in Col. Rec., X., 499-590.

suppressed emotion, he drew an indictment against the British ministry not equalled by any similar document of the Revolutionary period and surpassed only by the great Declaration itself. "In ringing sentences, not unworthy of Burke or Pitt," says Dr. Smith, "the report set forth in a short preamble the usurpations of the British ministry and 'the moderation hitherto manifested by the United Colonies.' Then came the declaration which to those who made it meant long years of desolating war, smoking homesteads, widowed mothers, and fatherless children, but to us and our descendants a heritage of imperishable glory." This report, read by Harnett and unanimously adopted by the Congress, April 12, 1776, was as follows:

"It appears to your committee, that pursuant to the plan concerted by the British ministry for subjugating America, the king and Parliament of Great Britain have usurped a power over the persons and properties of the people, unlimited and uncontrolled and disregarding their humble petitions for peace, liberty and safety, have made divers legislative acts, denouncing war, famine and every species of calamity, against the continent in general. That British fleets and armies have been, and still are, daily employed in destroying the people, and committing the most horrid devastations on the country. That governors in different colonies have declared protection to slaves, who should imbrue their hands in the blood of their masters. That ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which multitudes of the people have been destroyed or from easy circumstances reduced to the most lamentable distress.

"And whereas, the moderation hitherto manifested by the United Colonies and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations and no hopes remain of obtaining redress by those means alone which have hitherto been tried, your committee are of opinion that the house should enter into the following resolve, to wit:

"Resolved, That the delegates for this colony in the Continental Congress be empowered to concur with the delegates of the other colonies in declaring independency, and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a constitution and laws for this colony, and of appointing delegates from time to time (under the direction of the general representation thereof), to meet the delegates of the other colonies for such purposes as shall be hereafter pointed out."

The Congress unanimously adopted the report. Comment is unnecessary. The actors, the place, the occasion, the time, the action itself, tell their own story far beyond the power of pen to add to it or detract from it. Discussing the growth of the sentiment for independence in America, Bancroft says:

"The American Congress needed an impulse from the resolute spirit of some colonial convention, and the example of a government springing wholly from the people." Following an account of how South Carolina let slip the honor of giving this impulse, Bancroft continues: "The word which South Carolina hesitated to pronounce was given by North Carolina. That colony, proud of its victory over domestic enemies, and roused to defiance by the presence of Clinton, the

British general, in one of their rivers, . . . unanimously" voted for independence. "North Carolina was the first colony to vote explicit sanction to independence."[28]

Immediately after the adoption of this report the Congress took up the consideration of a constitution for the state. Harnett was a member of the committee to prepare the document. But this was a matter too important for slight consideration, and the committee recommended that it be postponed until the next session of the Congress. At the same time the powers and authority of the Council of Safety were extended and the Council was ordered to sit continuously instead of quarterly.

A few days before the adjournment of the Congress the enemy again paid their compliments to Harnett's zeal and influence. This time they came from Sir Henry Clinton. Sir Henry had reached the Cape Fear too late to co-operate with the Highlanders in their disastrous attempts to subdue the colony, so there was nothing left for him to do but issue a proclamation and sail away. Accordingly, just before sailing, he proclaimed from the deck of his majesty's man-of-war, *Pallisser*, that a horrid rebellion existed in North Carolina, but that in the name of his sacred majesty, he now offered a free pardon to all who would acknowledge the error of their way, lay down their arms, and return to their duty to the king, "excepting only from the benefits of such pardon Cornelius Harnett and Robert Howes."[29]

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28. History of the United States (Ed. 1860), VIII., 345-352.
29. Col. Rec., X., 591-92.

To this proclamation the Council of Safety replied by unanimously re-electing Cornelius Harnett president.[30] This occurred at its Wilmington session in June. In July it adjourned to meet at Halifax. On the 22nd of the month the Council received news of the action of the Continental Congress on July 4.

Five days later it resolved that August 1, be the day for publicly and officially proclaiming the Declaration of Independence at Halifax. Thursday, August 1, 1776, becomes, therefore, a marked day in the annals of the state. The sun rose clear on this first day of the new month, symbolic of the new state just rising out of a night of oppression and wrong. With the rising of the sun came the vanguard of the large crowd that was to assemble that day from the surrounding country to hear the official announcement of North Carolina's newborn independence. By noon the village was alive with the eager throng. The ceremony was simple but none the less impressive. The provincial troops and militia companies, proudly bedecked in such uniforms as they could boast, were present in full battle array. With drums beating and flags unfurled to catch the first breath of freedom, this martial escort conducted the president of the Council to the front of the court-house. As the August sun reached its mid-course in the heavens, Cornelius Harnett, bare-headed, bearing in his hand the document which bore the words so full of meaning for all future generations, cheered by the enthusiastic throng, solemnly ascended the platform and faced the people. Even as he unrolled the scroll the enthusiasm of the

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30. The proceedings of the Council of Safety are printed in Col. Rec., X., 618-647; 682-707; 826-830; 873-881.

crowd gave vent in one prolonged cheer, and then a solemn hush fell upon the audience. Every ear was strained to catch the words that fell from the lips of the popular speaker. As he closed with those solemn words pledging the lives, the fortunes and the sacred honor of the people to the declaration, the tumultuous shouts of joy, the waving of flags, and the booming of cannon, proclaimed that North Carolina was prepared to uphold her part. As Harnett came down the platform the soldiers dashed at him, seized him, and bore him aloft on their shoulders through the crowded streets, cheering him as their champion and swearing allegiance to the new nation.[31]

Soon after this the fifth and last provincial convention assembled at Halifax.[32] Harnett sat for Brunswick county. This convention adopted the first constitution of the state of North Carolina. Harnett was a member of the committee which drafted it and exercised a large influence in its preparation. His influence and efforts caused the insertion of that imperishable clause which forbids the establishment of a state church in North Carolina, and secures forever to every person in the state the right to worship God "according to the dictates of his own conscience." If Thomas Jefferson rightly considered the authorship of a similar clause in the Virginia constitution, one of the three really great events of his life, surely the authorship of this clause in the North Carolina constitution was none the less one of the great events of Cornelius Harnett's useful career. But he did not blazon it to the world by having it recorded on his tomb!

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31. Jones: Defence of North Carolina, 268-69.
32. The proceedings are printed in Col. Rec., X., 913-1003.

This convention elected the first officers of the new state. Richard Caswell was elected governor. Harnett was elected president of the Council of State.[33] By the election of Caswell as governor the presidency of the convention became vacant, and Harnett was chosen to fill the vacancy. The journal of the last one of those remarkable conventions that separated North Carolina from the British Empire is signed by "Cornelius Harnett, President."

Harnett was re-elected to the Council by the first Legislature which met under the constitution. He did not serve long, however, as he was soon afterwards selected a delegate to the Continental Congress and resigned his seat in the Council. He took this action reluctantly. It meant loss of comfort and ease, sacrifice of both money and health, but he did not feel justified in declining, for purely personal reasons, the service the state desired of him. He, therefore, entered upon his duties in June, 1777, and served three years in Congress. A detailed account of his services there is impossible in this sketch.[34] They were faithful and able. The field was narrow, however; the situation disagreeable; his health poor; and the expense of living great. He wrote to his friend Thomas Burke, that living in Philadelphia cost him £6,000 more than his salary, but he adds: "Do not mention this complaint to any person. I am content to sit down with this loss and much more if my country requires it." He missed the comforts of home,

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33. State Rec., XI., 363; XXII., 906-909.
34. For an account in detail see Connor: "Cornelius Harnett," 179-192.

wearied of the quarrels and bickerings of Congress, suffered with the gout, until he was thoroughly worn out.

In February, 1780, Harnett made his last journey from Philadelphia to Wilmington, "the most fatiguing and most disagreeable journey any old fellow ever took." He had not long to rest under the shade of his vine and fig tree as he had hoped to do. Only one year of life remained to him, a year of gloom, hardship and suffering. The summer of 1780 was the gloomiest time of the war for the Americans. Charleston fell, Colonel Bufort's Virginia regiment was annihilated at Waxhaws; Gates exchanged his northern laurels for southern willows at Camden; Ninety-Six was captured, and Cornwallis marched into North Carolina. Here came relief. On the top of King's Mountain came the first break in the clouds; soon after this Tarleton's renowned corps was cut to pieces at Cowpens.

Scarcely had this good news revived the drooping spirits of the patriots when a great disaster befell the Cape Fear section. On January 29, 1781, Major James H. Craige, one of the most energetic officers of the British army, sailed into the Cape Fear river with a fleet of eighteen vessels and four hundred and fifty men. Wilmington was occupied without opposition. Major Craige had come with express orders to capture Cornelius Harnett, and one of his first expeditions from Wilmington was sent out for this purpose. Harnett was warned in time and attempted to escape; but he had gone only about thirty miles when he was seized by a paroxysm of the gout and was compelled to take to his bed at the home of his friend, Colonel Spicer, in Onslow county. The enemy overtook him

here, and regardless of his age and condition, flung him across a horse like a sack of flour, and carried him to Wilmington.[35] Here he was confined for three days in a block-house. His condition had now become so precarious that Craige was induced to release him on parole.

He had not long to enjoy his freedom, and none realized it better than he. On April 28, he wrote with his own hands his will, bequeathing "to my beloved wife, Mary, all my estate, real, personal, and mixed, of what nature or kind whatsoever, to her, her heirs and assigns, forever." He then breathed his last.

Harnett lived just outside of Wilmington. His house, surrounded by a grove of magnificent live-oaks, stood on an eminence on the east bank of the Cape Fear, commanding a fine view of the river. Here Harnett lived at ease, for he was a man of wealth, entertaining upon such a scale as to win a reputation for his hospitality, even in the hospitable Cape Fear country.

"His stature," says Hooper,[36] "was about five feet nine inches. In his person he was rather slender than stout. His hair was of a light brown, and his eyes hazel. The contour of his face was not striking; nor were his features, which were small, remarkable for symmetry; but his countenance was pleasing, and his

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35. Catherine DeRosset Meares: Annals of the DeRosset Family, 50.
36. Archibald Maclaine Hooper, grandson of Archibald Maclaine, and son of George Hooper (brother of William Hooper), intimate friends of Harnett's. Hooper's observations may undoubtedly be regarded as presenting the views of those men and Harnett's other contemporaries whom Hooper knew.

figure, though not commanding, was neither inelegant nor ungraceful.

"In his private transactions he was guided by a spirit of probity, honor and liberality; and in his political career he was animated by an ardent and enlightened and disinterested zeal for liberty, in whose cause he exposed his life and endangered his fortune. He had no tinge of the visionary or of the fanatic in the complexion of his politics. 'He read the volume of human nature and understood it.' He studied closely that complicated machine, man, and he managed it to the good of his country. That he sometimes adopted artifice, when it seemed necessary for the attainment of his purpose, may be admitted with little imputation on his morals and without disparagement to his understanding. His general course of action in public life was marked by boldness and decision.

"He practiced all the duties of a kind and charitable and elegant hospitality; and yet with all this liberality he was an exact and minute economist.

"Easy in manner, affable, courteous, with a fine taste for letters and a genius for music, he was always an interesting, sometimes a fascinating companion.

"He had read extensively, for one engaged so much in the bustle of the world, and he had read with a critical eye and inquisitive mind. . . . In conversation he was never voluble. The tongue, an unruly member in most men, was in him nicely regulated by a sound and discriminating judgment. He paid, nevertheless, his full quota into the common stock, for what was wanting in continuity or fullness of expression, was supplied by a glance of his eye, the movement of his hand and the impressiveness of his pause. Occasion-

ally, too, he imparted animation to his discourse by a characteristic smile of such peculiar sweetness and benignity, as enlivened every mind and cheered every bosom, within the sphere of its radiance.

"Although affable in address, he was reserved in opinion. He could be wary and circumspect, or decided and daring as exigency dictated or emergency required. At one moment abandoned to the gratifications of sense, in the next he could recover his self-possession and resume his dignity. Addicted to pleasure, he was always ready to devote himself to business, and always prompt in execution. An inflexible republican, he was beloved and honored by the adherents of monarchy amid the fury of a civil war. . . . Such was Cornelius Harnett. Once the favorite of the Cape Fear and the idol of the town of Wilmington, his applauses filled the ears as his character filled the eyes of the public."

IV

RICHARD CASWELL[1]

In North Carolina the decade from 1744 to 1754 was a period of extraordinary growth and expansion. A tide of immigration set in which brought into the colony thousands of sturdy settlers who pushed the frontiers of the province westward from the Cape Fear to the foothills of the Blue Ridge. It was during this period that the Highlanders secured their foothold on the waters of the upper Cape Fear, and the Scotch-Irish and Germans settled by the thousands among the hills and valleys of the Piedmont section. This in-pouring of settlers eager for fertile land made North Carolina at that time an attractive field for surveyors, and many of them came offering their services to the Crown and to Lord Granville in whose vast possessions thousands of these immigrants settled.

Among those who came in 1746 seeking such employment was Richard Caswell, a native of Maryland, who brought a letter of introduction from the governor of that province to the governor of North Carolina. Though then but seventeen years old, Caswell had already become skilled in his profession, and his letters from the governor of Maryland induced Governor Johnston to offer him employment. His energy and skill commended him to the governor who, three years later, appointed him deputy-surveyor for the province. At that time this was one of the most

1. A more elaborate sketch of Caswell by E. C. Brooks appears in Ashe (Ed.): Biographical History of North Carolina, Vol. 3, pp. 65-80.

important offices in the province for at every sitting of the Council thousands of acres were disposed of, and upon the skill, the activity, and the integrity of the surveyor depended not only the interests of the Crown but the security of thousands of pioneers who had braved all the hardships and dangers of the wilderness in their search for homes. The surveyor's life was full of hardships, dangers, and adventure. A cool head, steady nerves, keen eyes, and trained muscles were prime essentials for a successful surveyor on the frontier. He had to know how to repel the attacks of wild beasts, to circumvent the cunning of the savage; and he must be skilled in woodcraft. His work, too, brought him in close touch with the people, and he became familiar with their habits of thought. There could have been found no better school for the training of the man who was to become the civil and military leader of a pioneer people in a great revolution. It is interesting to note that at the same time that Richard Caswell was attending this school of experience in the wilderness of North Carolina, another young surveyor, a few years his junior, was surveying the vast estates of Lord Fairfax in the wilds of western Virginia. The same training that fitted George Washington for his career as commander-in-chief of the armies and the first chief executive of the United States, fitted Richard Caswell for similar duties in his more contracted field.

Of North Carolinians, Richard Caswell was perhaps the most versatile man of his day. He was a surveyor, a lawyer, an orator, a statesman, and a soldier, and in each of these fields of activity won distinction among his contemporaries. In all those contests between the Assembly and the governor, which led up to the Revo-

lution, Caswell stood in the forefront along with Harvey and Harnett in support of popular government. It is not, however, Caswell's political career that I shall discuss today. I could not do so without repeating much that has already been said. It is to Caswell the soldier that I shall invite your attention. I do not subscribe to the dictum of some of our modern teachers and universal-peace-advocates that we should omit the wars of mankind from our histories and anathematize the soldiers of the world. For one, though I should like to live to see the day of universal peace, I shall not join with some of its enthusiasts in declaring that all war is "only murder" and in denouncing the Washingtons of history as "man-killers." The man who is forced to wage war in a righteous cause deserves well of his country: the soldier who goes forth to battle at his country's command deserves to be held in high honor by all who admire courage and self-sacrifice and patriotism. Nor would we get a true perspective of history were we to omit the wars and battles of the past. A distinguished soldier and historian once pointed out that there were fifteen great battles the results of which changed the whole course of human history. The most convincing evidence of the greatness of our revolutionary ancestors is that they were willing to contend in battle in defense of those principles of political liberty for which they contended in the forum. I feel, therefore, that I need not apologize today for inviting your attention to the career of one of those revolutionary soldiers whose skill and courage in battle secured for us those liberties which Harvey and Harnett claimed for us in the halls of legislation.

Caswell's first real military service was in the campaign against the Regulators in 1771.[2] At that time he was colonel of the militia of Dobbs (now Lenoir and Greene) county; and when Tryon organized his army to march against the Regulators, Caswell led his militiamen to join him. The army moved out of New Bern April 23, and after a long march during which it was joined by troops from several of the interior counties, pitched their tents, May 14th, at Great Alamance Camp. The next morning, at break of day, the troops, leaving their tents standing, moved forward to a position within half a mile of the army of the Regulators, and were formed into a line of battle. The right wing of Tryon's army was composed of the troops from Craven, Beaufort, New Hanover and Dobbs counties, and was under the command of Colonel Caswell. It is not necessary to go into the details of the battle. The outcome was the same that always results from a clash between a disorganized mob and a well-appointed army. The militia, well-equipped and organized, all circumstances considered, were commanded by an experienced officer, and the Regulators were driven pell-mell from the field.

The important feature of the contest from our point of view is that it gave to Caswell his first real military experience. For some time he had been colonel of the militia of Dobbs county, but beyond the drilling of a few ill-organized farmers, he had seen nothing that could be called a military organization. Tryon's army, though numbering but little more than 1000 men, was the largest body of troops that had ever been

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2. Col. Rec., VIII., 574-600, 660-718; State Rec., XIX., 838, 841. For a good account of this campaign see Haywood: Governor Tryon of North Carolina, 104 et seq.

assembled in the colony. Tryon himself was a soldier not without military knowledge and skill. For the first time, therefore, except for the companies of rangers which guarded the frontier from the Indians, the militia officers of the colony saw a considerable body of men under arms brought together, organized and equipped for war; saw them go through their military maneuvers, marching and counter-marching; saw them enter upon an extended campaign, drawn up in battle-lines and, finally, actually engage in a sanguinary battle under the command of a skillful leader. It was fine training for Richard Caswell and served to prepare him for his subsequent military career in the same way that the campaigns of the French and Indian War served to prepare a greater American soldier for his greater career. At Alamance, Caswell and the other future revolutionary soldiers of North Carolina, under the leadership of William Tryon, learned lessons in war which they were soon to put into use in a way that Tryon liked little enough.

Caswell was one of the first of the Whig leaders to foresee that the contest between England and her colonies would probably result in war; and he was urgent in his appeals to the Provincial Congress to organize, equip and drill troops for the emergency. One of the most interesting documents of that period now extant is a letter which he wrote to his son from Philadelphia whither he had gone to take his seat in the second Continental Congress. In this letter he describes in detail the incidents of his journey, in company with Joseph Hewes, from Halifax, which he left April 30, to Philadelphia, where he arrived May 9th; and the incidents upon which he dwells reveal the trend of his thought. At Petersburg, Virginia, he

and Hewes received their first news of the battle of Lexington, and from then on at every stage of their journey they met companies of hurrying and excited soldiers. At Hanover Court House he and Hewes met a body of 1,500 Virginians, under the command of Patrick Henry, on their way to Williamsburg to force Governor Dunmore to restore some powder and arms that he had captured. After that, as Caswell wrote, they "were constantly meeting armed men who had been to escort the delegates of Virginia on their way" to Philadelphia. When they reached the Potomac river, over which the Virginia delegates had just passed, they found the militia of three counties, in their uniforms of hunting shirts, drawn up under arms. As soon as the Virginia soldiers learned of the arrival of the Carolinians, they marched out to receive them, and to escort them to the water's edge, as Caswell wrote, "with all the military honors due to general officers." At Port Tobacco in Maryland, they met one of the Maryland independent companies who, declared Caswell, "made a most glorious appearance. Their company consisted of 68 men beside officers all genteelly dressed in scarlet and well equipped with arms and war-like implements, with drum and fife." Here they also overtook the Virginia delegates. "The next morning," writes Caswell, "we all set out together and were attended by the Independents to the verge of their county, where they delivered us to another company of Independents, in Prince George county, they in like manner to a second, and that to a third, which brought us through their county. We lodged that night at Marlborough; and the next day, though we met with a most terrible gust, lightning, thunder, wind, hail and rain, arrived at Baltimore, at the

entrance of which town we were received by four Independent Companies who conducted us with their colors flying, drums beating and fifes playing, to our lodging at the Fountain Tavern. The next day we were prevailed on to stay at Baltimore where Colonel Washington accompanied by the rest of the delegates received the troops. They have four companies of 68 men each, who go through their exercises extremely clever." At Philadelphia, Caswell found that "a greater martial spirit prevails if possible than I have been describing in Virginia and Maryland. They had 28 companies complete which make near 2000 men who march out to the command and go through their exercises twice a day regularly. Scarce anything but warlike music is to be heard in the streets."

All these preparations—the clash of arms, the glitter of bayonets, the roll of drums, the tramp of soldiers, the military honors with which he had been everywhere greeted—aroused Caswell's military ardor and fired his ambition. He made no secret of his joy at the prospects of war and military renown, and urged his son to show his letter to his friends in North Carolina and stir them to action. "Show them this letter," he wrote, "and tell them it will be a reflection on their country to be behind their neighbors, that it is indispensably necessary for them to arm and form into a company or companies of independents. When their companies are full 68 private men each to elect officers, viz, a captain, two lieutenants, an ensign and subalterns and to meet as often as possible and go through the exercises. Receive no man but such as can be depended on, at the same time reject none who will not discredit the company. If I live to return I shall most cheerfully join any of my country-

men, even as a rank and file man, and . . . that or any other difficulties, I shall not shun whilst I have any blood in my veins, but freely offer it in support of the liberties of my country. . . . You my dear boy must become a soldier and risk your life in support of those invaluable blessings which once lost, posterity will never be able to regain. Some men, I fear, will start objections to the enrolling of companies and exercising the men and will say it will be acting against the government. That may be answered that it is not so, that we are only qualifying ourselves and preparing to defend our country and support our liberties."[3]

The two most important matters that came before the Provincial Congress of August, 1775, were the formation of a temporary government and the organization of an army.[4] The first of these problems, as I pointed out in my account of the career of Cornelius Harnett, was met by creating the Provincial Council and the system of committees of safety. After this the Congress took up the military situation. "Our principal debates," wrote Samuel Johnston, president of Congress, "will be about raising troops." As a preliminary to this step, the Congress first issued what we may not inaptly call a declaration of war. They declared that whereas "hostilities being actually commenced in Massachusetts Bay by the British troops under the command of General Gage; . . . and whereas his Excellency Governor Martin hath taken a very active and instrumental share in opposition to the means which have been adopted by this and the other United Colonies for the common safety, . . .

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3. Col. Rec., IX., 1247-1250.
4. Col. Rec., X., 164-220.

Therefore [be it resolved that] this colony be immediately put into a state of defence."[5] Accordingly it was ordered that two regiments, of 500 men each, be raised for the continental army which the Continental Congress had determined to raise and over which Washington had been placed in command. Colonel James Moore, of New Hanover, and Colonel Robert Howe, of Brunswick, were put in command of these troops.[6] The province was then divided into six military districts, and in each of these a regiment of 500 men was to be raised. When called into active service these troops were to be under the same discipline and regulations as the continental troops.[7] They differed from the militia in that, until independence should be declared, the militia were subject to the orders of the royal governor; these independent troops were subject to the orders only of the revolutionary government. Thus 4000 troops were ordered to be raised by Congress for resistance to the Crown. In addition to these, authority was given for the enlistment of companies of minute men, and provision was made for a more effective organization of the militia. It was also ordered "that a bounty of twenty-five shillings be allowed for each private man and non-commissioned officer to buy a hunting-shirt, leggings, or splater-dashes and black garters, which shall be the uniform."

In all these military arrangements, Caswell had taken a prominent part; and when Congress came to select officers to command these troops, his services

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5. Col. Rec., X., 185-186.
6. Col. Rec., X., 186-187.
7. Col. Rec., X., 196-200.

were duly acknowledged by his being elected colonel of the New Bern district.[8] Preferring a military career to political service, he resigned his seat in the Continental Congress, and took prompt and energetic measures to raise, arm, equip and drill his regiment. The time in which he had to work was short, for Governor Martin was also actively at work organizing the Royalists for the subjugation of the colony. Within less than six months after his appointment to his command, Caswell came into collision with Martin's Royalists at Moore's Creek Bridge and fought there a battle on which hung the fate of all the southern colonies.

Governor Martin, as we have seen, had fled from the governor's palace at New Bern and taken refuge in Fort Johnston near the mouth of Cape Fear river. From Fort Johnston he was driven to seek refuge on board the king's sloop-of-war *Cruizer,* stationed in the Cape Fear. Almost at the very moment of his flight, Lord Dartmouth, secretary of state for the colonies, was writing to him: "I hope his Majesty's government in North Carolina may be preserved, and his governor and other officers not reduced to the disgraceful necessity of seeking protection on board the king's ships."[9] Smarting keenly under the disgrace of his flight to the *Cruizer,* Martin determined to leave no stone unturned by which he might restore himself to the good graces of the king. He busied himself with perfecting a well-conceived plan for the reduction of the four southern colonies—Virginia, North

8. Col. Rec., X., 205.
9. Col. Rec., X., 90.

Carolina, South Carolina, and Georgia. Briefly his plan was as follows:

He proposed to raise an army of 10,000 Tories, Regulators and Scotch Highlanders in the interior of North Carolina and to assemble them at Wilmington about the middle of February, 1776. There they were to be joined by seven regiments of British regulars from Ireland under the command of Lord Cornwallis, supported by a fleet of seventy-two vessels under Sir Peter Parker. Sir Henry Clinton, with an additional force of 2,000 regulars from the British army at Boston, was to sail for the Cape Fear and take command of the campaign. Martin represented to the king that the great majority of the people of North Carolina were Loyalists at heart, and when this force should assemble in the Cape Fear, they would rise in their might, overthrow the rebel government, restore the royal authority in North Carolina, and then with this province as a base of operation proceed to the conquest of the other southern colonies. The plan was received with favor by the king, who ordered it to be carried into execution.[10] Had it succeeded, there can be little doubt that Virginia, North Carolina, South Carolina, and Georgia would have been crushed, and the Revolution ended before it had well begun. That it did not succeed was due to the skill and energy of Richard Caswell and his regiment of independent companies.

The middle of February was the time set for the conjunction of the forces at Wilmington. Accord-

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10. Col. Rec., X., 45-47, 89-91, 230-237, 247-248, 264-278, 299-300, 306-308, 313-314, 325-328, 364, 396-397, 406-409, 412-413, 420-421, 428-431, 441-445, 452-454, 465-468.

ingly Governor Martin ordered the Loyalists to press down on Brunswick by February 15th. He was informed that the Regulators and Highlanders were fast collecting and that they would place him in possession of the rebellious town of Wilmington by February 25th. General Donald McDonald, a distinguished veteran of Culloden, had been sent from Boston to take command of the Highlanders, and on February 18th with an army of 1600 men, he set out from Cross Creek and took the road on the west bank of the Cape Fear for Wilmington and Brunswick.

In the meantime the Whig leaders had been making active preparations to meet the danger. Colonel James Moore, with the first regiment of continentals, had taken a strong position on Rockfish creek, a small stream a few miles south of Cross Creek, and there awaited the approach of the Highlanders. McDonald's object was to reach Brunswick and he wished, if possible, to avoid a battle. Accordingly, finding Moore's position too strong to be taken without a bloody contest, he fell back to Cross Creek, crossed to the east bank of Cape Fear river, and took the Negro Head Point to Wilmington with the Cape Fear between him and Colonel Moore. This road crossed Moore's creek on a bridge about sixteen miles north of Wilmington.

In the meantime several Whig forces were hurrying to the scene of action. Colonel Alexander Martin was approaching with a small force from Guilford county; Colonel James Thackston with another force was hurrying up from the southwest; Colonels Alexander Lillington and John Ashe, with 250 men, were coming from Wilmington; and Colonel Richard Caswell was making a forced march through the

country with 800 militia and independents from the New Bern district. In the afternoon of February 26, Caswell took a position at the west end of Moore's Creek Bridge, on the same side of the stream toward which McDonald was approaching, while Ashe and Lillington, with 250 troops, held the east end. The three, when united, had together about 1100 men; McDonald was approaching with 1600 well-trained Highlanders.

During the night the Highlanders reached within striking distance of Caswell's camp. McDonald was pleased to find that Caswell had made his camp with Moore's creek in his rear and between his force and that of Lillington and Ashe and he anticipated an easy victory. He accordingly formed his line of battle and awaited the dawn of day with confidence. But Caswell was not so simple minded as the Highland chief imagined. Having deceived McDonald into believing that he intended to receive the attack with the creek in his rear, during the night Caswell left his camp fires burning, as Washington afterwards did at Trenton (a fact which Caswell's friends commented on at the time),[11] crossed the bridge under cover of darkness, and took up a new position in conjunction with the forces of Lillington and Ashe. When the Highlanders advanced to the attack at daybreak, they were surprised to find Caswell's camp deserted, and

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11. Thomas Burke, delegate to the Continental Congress, writing Jan. 27, 1777, to Caswell, of Washington's victory at Trenton, says: "Washington practiced the same expedient to deceive the enemy, which you, Sir, did at Moore's Creek Bridge and while his fires were burning he decamped, passed the enemy, and surprised three battalions of Hessians which were in the rear." State Rec., XI., 368.

believing their enemy had fled they rushed forward without order. They were met by a well-directed fire from the Americans which, after a few minutes, drove them back with a heavy loss. The victory could not have been more complete. More than seventy of the Highlanders were killed, and so vigorously did Caswell press his advantage that more than half of their number were made prisoners of war, including their commanding general. Caswell's loss was one killed and one wounded. The Highlanders never recovered from this blow and remained neutral during the remainder of the war.[12]

Thus Governor Martin measured the military strength of the province and was disastrously beaten. Clinton and Cornwallis came with their powerful armaments, but finding nobody to welcome them at Cape Fear, save a beaten and dispirited governor, they sailed away to beat in vain against the log walls of Fort Moultrie. Very different would have been the history of North Carolina, and in all probability the history of the United States, if the battle of Moore's creek had resulted differently. If the Highlanders had defeated Caswell, Clinton and Cornwallis would have been received at Wilmington by an army of ten thousand Loyalists and North Carolina would surely have been subjugated, while South Carolina and Georgia would have been overrun in the summer of 1776 instead of in the summer of 1779. Of the effects of this victory, Bancroft writes:

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12. Col. Rec., X., 482, 483-484, 485, 486-493; State Rec., XI., 383. For an excellent account of the battle of Moore's Creek see Noble, M. C. S.: Battle of Moore's Creek Bridge, *North Carolina Booklet,* Vol. III, No. 11, reprinted in Peele, W. J. (Ed.): Literary and Historical Activities in North Carolina, 1900-1905, pp. 215-238.

"In less than a fortnight, more than nine thousand four hundred men of North Carolina rose against the enemy; and the coming of Clinton inspired no terror. . . . Almost every man was ready to turn out at an hour's warning. . . . Virginia offered assistance, and South Carolina would gladly have contributed relief; but North Carolina had men enough of her own to crush insurrection and guard against invasion; and as they marched in triumph through their piney forests, they were persuaded that in their own woods they could win an easy victory over British regulars. The terrors of a fate like that of Norfolk could not dismay the patriots of Wilmington; the people spoke more and more of independence; and the Provincial Congress, at its impending session was expected to give an authoritative form to the prevailing desire."[13]

When this Congress met at Halifax in April, 1776, it unanimously adopted the following resolution:

"Resolved, That the thanks of this Congress be given to Colonel Richard Caswell, and the brave officers and soldiers under his command, for the very essential service by them rendered this country at the battle of Moore's Creek."[14]

The tide of war now turned away from North Carolina and during the next four years the state was free both from invasion from without and from insurrection from within. Her troops however marched northward and joined the Continental Army under Washington. In the meantime Caswell had been elected governor, and during these years bent all of

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13. History of the United States (Ed. of 1860), VIII., 289-290.
14. Col. Rec., X., 513, 515-516.

his energy to keep the state's regiments up to their full quotas and to keep them properly armed and equipped. Under the stimulus of his activity iron works sprung up in the state, gun factories were established, powder mills were set up, privateers patrolled the coast and brought in supplies from the West Indies, and large quantities of arms, ammunition, clothes, and food were sent to supply Washington's suffering veterans. At all times he was solicitous for the conduct and welfare of the North Carolina troops. To his son, serving under Washington in the battles around Philadelphia, he wrote: "Do tell me of the conduct and behavior of the North Carolina men—how some of them have fallen, whether bravely or otherwise. Though the latter, I flatter myself, you will have no account to give, yet if you have, I wish to know it."[15]

In the autumn of 1778 the South again became the scene of war. Having failed in their campaign against New England and the Middle Atlantic colonies, the king and ministry determined to make another attempt on the Carolinas and Georgia. "If the rebellion could not be broken at the center, it was hoped that it might at least be frayed away at the edges; and should fortune so far smile upon the royal armies as to give them Virginia also, perhaps the campaigns against the wearied North might be renewed at some later time and under better auspices."[16] This plan came dangerously near to being successful. Savannah, Augusta, Charleston, Ninety-Six and other strategic points one after another fell into the hands of the British, and South Carolina and Georgia were reduced

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15. State Rec., XV., 707.
16. Fiske: The American Revolution, II., 163-164.

once more to royal rule. It was not until Cornwallis turned his arms against North Carolina that his victorious career was checked.

As soon as it was learned that an invasion of Georgia and South Carolina was intended, those two colonies turned to North Carolina for assistance. At their request the Continental Congress, September 25, 1778, passed a resolution urging Virginia to send 1000 troops, and North Carolina to send 3,000, "without loss of time," to the aid of South Carolina and Georgia; and at the special request of the former state, adopted the following resolution:

"Resolved, That in case Governor Caswell shall find it consistent with the duties of his station, and shall be inclined to march to the aid of South Carolina and Georgia, at the head of the North Carolina troops, he shall, while on this expedition, have the rank and pay of major-general in the army of the United States of America."[17]

The troops were sent, but fortunately for the state Caswell could not go with them. He accordingly appointed General John Ashe to the command; and Ashe and his entire army, through the folly of the commander-in-chief, General Benjamin Lincoln, were captured at the fall of Charleston.

After the fall of Charleston there was not the vestige of an American army in the South. Georgia and South Carolina lay crushed under the heels of the British army, and the hope of the American cause lay in North Carolina. Toward this state, therefore, Lord Cornwallis now turned his victorious arms.

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17. Ford, W. C. (Ed.): Journals of the Continental Congress, XII., 950; State Rec., XXII., 983, 984, 986.

Caswell's third successive term as governor expired in April, 1780, and he could not succeed himself. Accordingly, in view of the crisis which the state was facing, he was commissioned major-general and given command of all the North Carolina militia.[18] He set himself energetically to arouse the state to a sense of her danger and responsibility, and to collect the militia to repel the threatened invasion. How well he succeeded, Governor Josiah Martin describes more effectively than I can. Writing to the secretary of state, August 18, 1780, immediately after the battle of Camden, he says:

"The state of our affairs in this country, in the hour of this memorable action, was so delicate and full of embarrassment and difficulty as can be imagined. From the time the rebel army assembled at Hillsborough, early in June, every devise had been practiced upon the adherents of the usurpation in this province to prepare them for a new revolt; and it appears that they were found very generally prone to the enemy's purpose as they could wish for. By the latter end of July, or sooner, they were joining the rebel armies, or arming against us more or less in all quarters of it. . . . The main body of the enemy's army marched by the North Carolina militia under Caswell, crossed the Pedee about the 1st or 2nd inst., by their approach spreading such terror and dismay among the well affected as intimidated all the ordinary as well as extraordinary spies employed by Lord Rawdon to a degree so great that every channel of intelligence failed him, a circumstance I could have scarcely believed if I had not been witness to the fact."[19]

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18. State Rec., XVII., 678, 681; XXIV., 341.
19. State Rec., XV., 49-56.

It is perhaps idle to speculate as to what would have been the result of this campaign if Caswell had been left in command. As it was, the Continental Congress sent General Horatio Gates to Hillsboro, and being an officer in the Continental Army he superseded Caswell. It was an unlucky choice. Gates, hailed throughout the country as the "hero of Saratoga," was puffed up with an enlarged sense of his own importance, and would listen to advice from nobody. He chose first one route of advance, then another; one day he pressed forward rashly, another he hesitated; he vacillated between this plan and that, until the whole army, which had set forward in confidence, was filled with a spirit of unrest and uncertainty. He ignored the use of cavalry and as a consequence was in total ignorance of Lord Cornwallis' movements. Suddenly, about two o'clock in the night of August 15th, his army, while leisurely on the march, came unexpectedly into collision with the British army which had set out to surprise Gates. Both armies then lay on their arms awaiting the break of day. Gates formed his line of battle, with the Maryland and Delaware continentals on his right, the North Carolina militia under Caswell in the center, and the Virginia militia on the left. The battle opened with an assault on the Virginia troops by Cornwallis' right, composed of disciplined British regulars. They drove the Virginians in confusion from the field and then turned on Caswell's flank while at the same time he was assaulted by another brigade in the front. His inexperienced troops, unable to withstand this double attack, soon gave way in retreat, which quickly became a rout. Caswell struggled manfully to rally his broken lines, but in vain. The Maryland troops, and Dixon's regiment of

North Carolina militia, made a determined stand, fought like veterans, and retreated from the field in good order. As for the rest of the army, it fled in the wildest confusion, bringing to a shameful close the worst defeat ever suffered by an American army. Gates and Caswell hurried to Hillsboro to collect the fragments and save what they could from the wreck.

After this defeat the tide of public sentiment in North Carolina for a time turned strongly against Caswell and he was superseded in command of the militia by General William Smallwood, an experienced Maryland officer. This appointment was received with great indignation by the North Carolina officers.[20] The new year, 1781, opened under a dark cloud for the American cause. The British held Wilmington, Charlotte, Hillsboro, and it appeared that there was nothing to prevent their moving at will wheresoever they desired. Caswell had been elected to the Senate from Dobbs county, and now again, in this hour of gloom, the state turned to him for counsel and guidance. He was requested to recommend proper measures for the defense of the state. The measure he suggested was that the Legislature should appoint "a council extraordinary, to consist of three men in whom the Legislature can place the highest confidence, to advise his Excellency in the exigencies of the state, and that the governor, with the advice of any two of them, be invested with full power to take such measures as shall be deemed necessary for the defense and preservation of the state in all cases whatsoever."[21] This sugges-

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20. State Rec., XIV., 400, 401, 402, 419, 425-426, 435, 771, 772, 785, 787; XV., 131.
21. State Rec., XVII., 658, 676, 745, 746, 756, 757, 774; XXIV., 378-379.

tion was adopted by the Legislature which chose Caswell, Alexander Martin, and Allen Jones as members of the Council. At the same time the Legislature adopted a resolution declaring that the appointment of General Smallwood to the command of the North Carolina militia, was not intended as any reflection on General Caswell but that "as there were sundry and sufficient reasons why Major-General Caswell could not immediately take the field, that Brigadier-General Smallwood, being the oldest brigadier in the Southern Department, should take the command of the militia in his absence."[22] Desirous, therefore, of utilizing his services for the state and of restoring him to his rank and command, the two houses of the Legislature adopted the following resolution:

"Whereas, it is essential to the public service and a measure that will tend to draw a large force into the field, that an officer of ability, integrity, and experience, should take the command of the militia.

"Resolved unanimously, That Richard Caswell, Esq., be appointed a major-general in the Continental Army, in a separate department, and that he be requested to take command and call on the several continental officers in this state not on duty, requiring them to assist in the immediate defense of the same, and to appoint them to such commands as he shall find necessary, which may tend to promote order and discipline in the militia, give satisfaction to the regular and not disgust the militia officers."

Thus Caswell was given entire control over the military affairs of the state. He did not, however, again take the field. Elected chairman of the Council

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22. State Rec., XVII., 670-671.

Extraordinary, his time and energies were consumed in administrative affairs. It was largely through his efforts in raising and equipping troops, collecting and forwarding ammunition and supplies, that General Greene was enabled to turn on Cornwallis at Guilford Court House and check his victorious advance. In this work Caswell continued active until the last British soldier had left the state forever.

Of Caswell's civil and political services I have not had time to speak. He served the state in almost every capacity possible. In closing this account of his career, I cannot do better than quote the following somewhat exaggerated summary of his biographer:

"Richard Caswell, surveyor, lawyer, legislator, speaker of the Assembly, colonel, treasurer, delegate to the Continental Congress, president of the Provincial Congress, brigadier-general, major-general, chairman of the Council Extraordinary, speaker of the Senate, comptroller-general and governor, was more variously honored by the people of North Carolina than any other citizen before or since his day. He was distinguished as a lawyer, and as a legislator none has excelled him in statecraft, judging from his popularity and continued power. As a war governor he had a popularity, a power and efficiency that made him at least the equal of Vance, who stands unsurpassed in modern history. As a military officer, in organizing and equipping troops for service, North Carolina has never produced a man who had such control among so many difficulties. Nathaniel Macon, who received his first training in statecraft under Richard Caswell, says of him: 'Governor Caswell of Lenoir was one of

the most powerful men that ever lived in this or any other country.' As a statesman, his patriotism was unquestioned, his discernment was quick, his judgment sound; as a soldier, his courage was undaunted, his vigilance untiring, his success triumphant."

V

SAMUEL JOHNSTON

On the east coast of Scotland, twelve miles from the confluence of the Firth of Tay with the German Ocean, lies the ancient town of Dundee, in population third, in commercial importance second among the cities of Scotland. The general appearance of Dundee, we are told, is picturesque and pleasing, and its surrounding scenery beautiful and inspiring. Thrift, intelligence, and independence are characteristics of its inhabitants. It is noted for its varied industrial enterprises, and from time immemorial has been famous among the cities of Britain for its extensive linen manufactures. A long line of men eminent in war, in statecraft, in law, and in letters adorns its annals. Its history carries us back to the time of the Crusades. In the twelfth century it received a charter as a royal borough from the hand of King William the Lion. Within its walls William Wallace was educated, and there he struck his first blow against the domination of England. In the great Reformation of the sixteenth century its inhabitants took such an active and leading part as to earn for their town the appellation of "the Scottish Geneva." During the civil wars of the following century they twice gave over their property to pillage and themselves to massacre rather than submit to the tyranny of the House of Stuart. But in every crisis the indomitable spirit of Dundee rose superior to disaster and her people adhered to their convictions with a loyalty that never faltered and a faith that never failed.

In this fine old city, among its true and loyal people, the ancestors of Samuel Johnston lived, and here, in 1733, he himself was born. The spirit of Dundee, its loyalty to principle, its unconquerable courage, its inflexible adherence to duty, entered into his soul at his very birth, and developed and strengthened as he grew in years and in powers of body and mind. Throughout his life he displayed in public and in private affairs many of those qualities of mind and character which have given the Scotch, though small in number, such a large place in the world's history. Says Mr. Henry Cabot Lodge, "six centuries of bitter struggle for life and independence, waged continuously against nature and man, not only made the Scotch formidable in battle, renowned in every camp in Europe, but developed qualities of mind and character which became inseparable from the race. . . . Under the stress of all these centuries of trial they learned to be patient and persistent, with a fixity of purpose which never weakened, a tenacity which never slackened, and a determination which never wavered. The Scotch intellect, passing through the same severe ordeals, as it was quickened, tempered, and sharpened, so it acquired a certain relentlessness in reasoning which it never lost. It emerged at last complete, vigorous, acute, and penetrating. With all these strong qualities of mind and character was joined an intensity of conviction which burned beneath the cool and calculating manner of which the stern and unmoved exterior gave no sign, like the fire of a furnace, rarely flaming, but giving forth a fierce and lasting heat."[1]

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1. Address in the United States Senate, March 12, 1910, upon the presentation to the United States by the State of South Carolina, of a statue of John C. Calhoun.

Had the author of these fine lines had the character of Samuel Johnston in his mind's eye, as he did have that of another eminent Scotch-descended Carolinian, his description could not have been more accurate.

In the great crises of our history in which he figured so largely, immediately following the American Revolution, Samuel Johnston with keen penetrating vision saw more clearly than any of his colleagues the true nature of the problem confronting them. This problem was, on the one hand, to preserve in America the fundamental principles of English liberty against the encroachments of the British Parliament, and on the other, to secure the guarantees of law and order against the well-meant but ill-considered schemes of honest but ignorant reformers. For a full quarter of a century he pursued both of these ends, patiently and persistently, "with a fixity of purpose which never weakened, a tenacity which never slackened, and a determination which never wavered." Neither the wrath of a royal governor, threatening withdrawal of royal favor and deprivation of office, nor the fierce and unjust denunciations of party leaders, menacing him with loss of popular support and defeat at the polls, could swerve him one inch from the path of his public duty as he understood it. Beneath his cool and calculating manner burned "an intensity of conviction" which gave him in the fullest degree that rarest of all virtues in men who serve the public—I mean courage, courage to fight the battles of the people, if need be, against the people themselves. Of course Johnston never questioned the right of the people to decide public questions as they chose, but he frequently doubted the wisdom of their decisions; and when a doubt arose in his mind he spoke his sentiments with-

out fear or favor and no appeal or threat could move him. He was ready on all occasions to maintain his positions with a "relentlessness in reasoning" that carried conviction and out of defeat invariably wrung ultimate victory. More than once in his public career the people, when confronted by his immovable will, in fits of party passion discarded his leadership for that of more compliant leaders; but only in their calmer moments to turn to him again to point the way out of the mazes into which their folly had entangled them.

A Scotchman by birth, Samuel Johnston was fortunate in his ancestral inheritance; an American by adoption, he was equally fortunate in his rearing and education. In early infancy[2] his lot was cast in North

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2. In his third year. His parents, Samuel and Helen (Scrymoure) Johnston came to North Carolina some time prior to May 25, 1735.—Colonial Records of North Carolina, IV., 9. They probably accompanied Samuel's brother, Gabriel, who became governor of the colony, November 2, 1734. McRee incorrectly gives the name of Governor Samuel Johnston's father as John.—Iredell, I., 36. Letters of his at "Hayes" show that his name was Samuel. See also Grimes: Abstracts of North Carolina Wills, 187, 188; and Col. Rec., IV., 1080, 1110. He resided in Onslow county, but owned large tracts of land not only in Onslow, but also in Craven, Bladen, New Hanover, and Chowan.—Col. Rec., IV., 72, 219, 222, 329, 594, 601, 628, 650, 800, 805, 1249. He was a justice of the peace in New Hanover, Bladen, Craven, and Onslow.—Col. Rec., IV., 218, 275, 346, 347, 814, 1239. He served also as collector of the customs at the port of Brunswick.—Col. Rec., IV., 395, 725, 998, 1287; and as road commissioner for Onslow county, State Records, XXIII., 221. His will dated November 13, 1756, was probated in January, 1757.—Abstracts, 188. His wife having died of childbirth in 1751 (letter to his son), his family at the time of his death consisted of two sons, Samuel and John, and five daughters, Jane, Penelope, Isabelle, Ann, and Hannah. To his sons he devised 6,500 acres of land, and to his daughters land and slaves.—Abstracts, 188.

Carolina, the most democratic of the American colonies, and whatever tendency this fact may have given him toward democratic ideals was later strengthened by a New England education[3] and by his legal studies. At the age of twenty-one he became a resident of Edenton, then a small village of four or five hundred inhabitants, but the industrial, political, and social center for a large and fertile section of the province. Its leading inhabitants were men and women of wealth, education, and culture. Their social intercourse was easy, simple, and cordial. Cards, billiards, backgammon, dancing, tea-drinking, hunting, fishing and other outdoor sports, were their chief amusements. They read with appreciative insight the best literature of the day, welcomed with eager delight the periodical appearance of the Spectator and the Tatler, and followed with sympathetic interest the fortunes of Sir Charles Grandison and Clarissa Harlowe. They kept in close touch with political events in England, studied critically the Parliamentary debates, and among themselves discussed great constitutional questions with an ability that would have done honor to the most learned

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3. Governor Josiah Martin, writing of Johnston, to Lord George Germain, May 17, 1777, says: "This Gentleman, my Lord, was educated in New England, where . . . it may be supposed he received that bent to Democracy which he has manifested upon all occasions." —Col. Rec., X., 401. Letters from his father, addressed to him while he was at school in New Haven, Conn., bear dates from 1750 to 1753. I have not yet been able to ascertain what school he attended. There are references in these letters which seem to refer to Yale College as the institution which he was attending, but the records of Yale University do not contain Governor Johnston's name among its students. In 1754 he went to Edenton to study law under Thomas Barker.

lawyers of the highest courts of Great Britain.[4] Within the town and its immediate vicinity dwelt John Harvey, Joseph Hewes, Edward Buncombe, Stephen Cabarrus, and after 1768, James Iredell. Preceding Iredell by a little more than a decade came Samuel Johnston, possessed of an ample fortune, a vigorous and penetrating intellect, and a sound and varied learning which soon won for him a place of pre-eminence in the province. "He bore," says McRee, "the greatest weight of care and labor as the mountain its crown of granite. His powerful frame was a fit engine for the vigorous intellect that gave it animation. Strength was his characteristic. In his relations to the public, an inflexible sense of duty and justice dominated. There was a remarkable degree of self-reliance and majesty about the man. His erect carriage and his intolerance of indolence, meanness, vice, and wrong, gave to him an air of sternness. He commanded the respect and admiration, but not the love of the people."[5] At Edenton, surrounded by a group of loyal friends, Johnston entered upon the practice of his profession and in 1759 began a public career which, for length of service, extremes of political fortune, and lasting contributions to the welfare of the state, still stands unsurpassed in our history.

Johnston was twelve times elected to the General Assembly, serving from 1759 to 1775 inclusive. On April 25, 1768, he was appointed clerk of the court for the Edenton district. In 1770 he was appointed deputy naval officer of the province, but was removed by Governor Martin, November 16, 1775, on account

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4. See the picture of Edenton society drawn by James Iredell in his diary printed in McRee's Iredell.
5. Life and Correspondence of James Iredell, I., 37-38.

of his activity in the revolutionary movement. December 8, 1773, he was selected as one of the Committee of Continental Correspondence appointed by the General Assembly. He served in the first four provincial congresses, which met August 25, 1774, April 3, 1775, August 20, 1775, and April 4, 1776. Of the third and fourth he was elected president. The Congress, September 8, 1775, elected him treasurer for the northern district. September 9, 1775, he was elected as the member-at-large of the Provincial Council, the executive body of the revolutionary government. The Provincial Council, October 20, 1775, elected him paymaster of troops for the Edenton district. December 21, 1776, he was appointed by the Provincial Congress a commissioner to codify the laws of the state. In 1779, 1783, 1784 he represented Chowan county in the state Senate. The General Assembly, July 12, 1781, elected him a delegate to the Continental Congress. In 1785 the states of New York and Massachusetts selected him as one of the commissioners to settle a boundary line dispute between them. He was three times elected governor of North Carolina, December 12, 1787, November 11, 1788, and November 14, 1789. He resigned the governorship in December 1789 to accept election to the United States Senate, being the first senator from North Carolina. In 1788 and 1789 he was president of the two constitutional conventions, at Hillsboro and Fayetteville, called to consider the ratification of the Federal Constitution. December 11, 1789 he was elected a trustee of the University of North Carolina. From 1800 to 1803 he served as superior court judge. He died in 1816.

Johnston's public career covered a period of forty-four years and embraced every branch of the public service. As legislator, as delegate to four provincial congresses, as president of two constitutional conventions, as member of the Continental Congress, as judge, as governor, as United States senator, he rendered services to the state and the nation which rank him second to none among the statesmen of North Carolina.

You are of course familiar with the principal events which led up to the outbreak of the Revolution. Johnston watched the course of these events with the keenest interest and the most profound insight. From the passage of the Stamp Act in 1765 he maintained a firm and decided stand against every step taken by the British ministry to subject the colonies in their local affairs to the jurisdiction of Parliament. A special significance attaches to his services. His birth in Scotland, his residence in North Carolina, his education in Connecticut, his intimate correspondence with friends in England, all served to lift him above any narrow, contracted, local view of the contest and fitted him to be what he certainly was, the leader in North Carolina in the great continental movement which finally resulted in the American Union. Union was the great bugbear of the king and ministry, and for some years before the actual outbreak of the Revolution the principal object of their policy was to prevent the union of the colonies. They sought, therefore, as far as possible, to avoid all measures which, by giving them a common grievance, would also afford a basis upon which they could unite. In order to accomplish this purpose more effectively acts of Parliament, to a large extent, gave way in the government

of the colonies to instructions from the king issued to the royal governors. These instructions the governors were required to consider as of higher authority than acts of the assemblies, and as binding on both the governors and the assemblies. A set was not framed to apply to all the colonies alike, but special instructions were sent to each colony as local circumstances dictated. Since these local circumstances differed widely in the several colonies, the king and his ministers thought the colonists would not be able to find in them any common grievance to serve as a basis for union.

In North Carolina the battle was fought out on three very important local measures, on all three of which the king issued positive instructions directing the course which the Assembly should pursue. Thus a momentous issue was presented for the consideration of its members: Should they permit the Assembly to degenerate into a mere machine whose highest function was to register the will of the sovereign; or should they maintain it as their charters intended it to be, a free, deliberative, law-making body, responsible for its acts only to the people? Upon their answer to this question it is not too much to say hung the fate of the remotest posterity in this state. I record it as one of the proudest events in our history, beside which the glories of Moore's Creek, King's Mountain, Guilford Court House, and even Gettysburg itself pale into insignificance, that the Assembly of North Carolina had the insight to preceive their problem clearly, the courage to meet it boldly, and the statesmanship to solve it wisely.

"Appointed by the people (they declared) to watch over their rights and privileges, and to guard them

from every encroachment of a private and public nature, it becomes our duty and will be our constant endeavor to preserve them secure and inviolate to the present age, and to transmit them unimpaired to posterity. . . . The rules of right and wrong, the limits of the prerogative of the Crown and of the privileges of the people are, in the present refined age, well known and ascertained; to exceed either of them is highly unjustifiable."[6]

Hurling this declaration into the face of the royal governor the Assembly peremptorily refused obedience to the royal instructions. In this momentous affair Samuel Johnston stood fully abreast of the foremost in maintaining the dignity of the Assembly, the independence of the judiciary, and the right of the people to self-government. With unclouded vision he saw straight through the policy of the king and stood forth a more earnest advocate of union than ever. He urged the appointment of the committees of correspondence throughout the continent, served on the North Carolina committee, and favored the calling of a continental congress. When John Harvey, in the spring of 1774, suggested a provincial congress, Johnston gave the plan his powerful support,[7] and when the Congress met at New Bern, August 25, 1774, he was there as one of the members from Chowan. Upon the completion of its business this Congress authorized Johnston, in the event of Harvey's death, to summon another congress whenever he should deem it necessary. No more fit suc-

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6. For a more extended account of this great contest see Connor: Cornelius Harnett: An Essay in North Carolina History, 68-78.
7. Col. Rec., X., 968.

cessor to Harvey could have been found. Johnston's unimpeachable personal character commanded the respect of the Loyalists,[8] his known conservatism was a guarantee that the revolutionary program under his leadership would be conducted with proper regard for the rights of all and in an orderly manner, and his thorough sympathy with the spirit and purposes of the movement assured the loyal support of the entire Whig party. How thoroughly he sympathized with the whole program is set forth in the following letter written to an English friend who once resided in North Carolina:

"You will not wonder (he writes) at my being more warmly affected with affairs of America than you seem to be. I came over so early and am now so riveted to it by my connections that I can not help feeling for it as if it were my *natale solum.* The ministry from the time of passing the Declaratory Act, on the repeal of the Stamp Act, seemed to have used every opportunity of teasing and fretting the people here as if on purpose to draw them into rebellion or some violent opposition to Government. At a time when the inhabitants of Boston were every man quietly employed about their own private affairs, the wise members of your House of Commons on the authority of ministerial scribblers declare they are in

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8. Archibald Neilson, a prominent Loyalist whom Governor Martin appointed Johnston's successor as deputy naval officer, wrote to James Iredell, July 8, 1775: "For Mr. Johnston, I have the truest esteem and regard. In these times, in spite of my opinion of his judgment, in spite of myself—I tremble for him. He is in an arduous situation: the eyes of all—more especially of the friends of order—are anxiously fixed on him."—McRee's Iredell, I., 260.

a state of open rebellion. On the strength of this they pass a set of laws which from their severity and injustice can not be carried into execution but by a military force, which they have very wisely provided, being conscious that no people who had once tasted the sweets of freedom would ever submit to them except in the last extremity. They have now brought things to a crisis and God only knows where it will end. It is useless, in disputes between different countries, to talk about the right which one has to give laws to the other, as that generally attends the power, though where that power is wantonly or cruelly exercised, there are instances where the weaker State has resisted with success; for when once the sword is drawn all nice distinctions fall to the ground; the difference between internal and external taxation will be little attended to, and it will hereafter be considered of no consequence whether the act be to regulate trade or raise a fund to support a majority in the House of Commons. By this desperate push the ministry will either confirm their power of making laws to bind the colonies in all cases whatsoever, or give up the right of making laws to bind them in any case."[9]

This is a very remarkable letter. Consider first of all its date. It was written at Edenton, September 23, 1774. At that time the boldest radicals in America, even such men as Samuel Adams, of Massachusetts; Patrick Henry, of Virginia; Cornelius Harnett, of North Carolina, scarcely dared breathe the word independence. But here is Samuel Johnston, most conservative of revolutionists, boldly declaring that the

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9. To Alexander Elmsly, of London.—Col. Rec., IX., 1071.

contest between England and her colonies was a dispute "between different countries," and threatening an appeal to arms to decide whether the British Parliament should make laws "to bind the colonies in all cases whatsoever," or be compelled to surrender "the right of making laws to bind them in any case." The man who ventured this declaration was no unknown individual, safe from ministerial wrath by reason of his obscurity, but was one of the foremost statesmen of an important colony, and his name was not unfamiliar to those who gathered in the council chamber of the king.

At the beginning of the Revolution, in common with the other Whig leaders throughout the continent, Johnston disclaimed any purpose of declaring independence of Great Britain. But once caught in the full sweep of the revolutionary movement the patriots were carried along from one position to another until, by the opening of the year 1776, they had reached a situation which admitted of no other alternative, and Samuel Johnston stood forth among the foremost advocates of it in North Carolina. As we have seen, North Carolina acted on this subject at Halifax, April 12, 1776, and immediately afterwards appointed a committee "to prepare a temporary civil constitution." Among its members were Johnston, Harnett, Abner Nash, Thomas Burke, Thomas Person, and William Hooper. They were men of political sagacity and ability, but their ideas of the kind of constitution that ought to be adopted were woefully inharmonious. Heretofore in the measures of resistance to the British ministry remarkable unanimity had prevailed in the councils of the Whigs. But when they undertook to frame a constitution faction at once raised its head.

Historians have designated these factions as "Conservatives" and "Radicals," terms which carry their own meanings and need no further explanation. The leader of the Radicals was undoubtedly Willie Jones, while no one could have been found to question the supremacy of Samuel Johnston among the Conservatives. Congress soon found that no agreement between the two could be reached while continued debate on the constitution would only consume time which ought to be given to more pressing matters. Consequently the committee was discharged and the adoption of a constitution was postponed till the next meeting of Congress in November. Thus the contest was removed from Congress to the people and became the leading issue of the election in October.

Willie Jones and his faction determined that Samuel Johnston should not have a seat in the November Congress, and at once began against him a campaign famous in our history for its violence. Democracy exulting in a freedom too newly acquired for it to have learned the virtue of self-restraint, struck blindly to right and left and laid low some of the sturdiest champions of constitutional liberty in the province. The contest raged fiercest in Chowan. "No means," says McRee, "were spared to poison the minds of the people; to inflame their prejudices; excite alarm; and sow in them, by indefinite charges and whispers, the seeds of distrust. . . . It were bootless now to inquire what base arts prevailed, or what calumnies were propagated. Mr. Johnston was defeated. The triumph was celebrated with riot and debauchery; and the orgies were concluded by burning Mr. Johnston in effigy."[10]

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10. Iredell, I., 334.

From that day to this much nonsense has been written and spoken about Johnston's hostility to democracy and his hankering after the fleshpots of monarchy, and the followers of Willie Jones from then till now have expected us to believe that the man who for ten years had been willing to sacrifice his fortune, his ease, his peace of mind, his friends and family, even life itself, to overthrow the rule of monarchy was ready, immediately upon the achievement of that end, to conspire with his fellow-workers against that liberty which they had suffered so much to preserve. That Johnston did not believe in the "infallibility of the popular voice;" that he thought it right in a democracy for minorities to have sufficient safeguards against the tyranny of majorities; that he considered intelligence and experience more likely to conduct a government successfully than ignorance and inexperience, is all true enough. But that he also ascribed fully to the sentiment that all governments derive "their just powers from the consent of the governed;" that he believed frequency of elections to be the surest safeguard of liberty; that he thought representatives should be held directly responsible to their constituents and to nobody else, we have not only his most solemn declarations, but his whole public career to prove.[11] He advocated it is true a government of energy and power, but a government deriving its energy and power wholly from the people. This is the very essence of true, genuine democracy.

Johnston's eclipse was temporary. Accepting his defeat philosophically, he withdrew, after the framing of the constitution, from all participation in politics,

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11. See his letter to Iredell in McRee's Iredell, I., 277.

and watched the course of events in silence. For assuming this attitude he has been severely censured, both by his contemporaries and by posterity, who have charged him with yielding to pique, and with being "supine" and indifferent to the welfare of the state because he could not conduct its affairs according to his own wishes.[12] But is it not pertinent to ask what other course he could have pursued? He was not an ordinary politician. He had no inordinate itching for public office. He was, indeed, ambitious to serve his country, but his country had pointedly and emphatically repudiated his leadership. Was it not, then, the part of wisdom to bow to the decree? Did not patriotism require him to refrain from futile opposition? The event clearly demonstrated that his course was both wise and patriotic, for the people soon came to their sober second thought and the reaction in Johnston's favor set in earlier than he could possibly have anticipated. They sent him to the state Senate, the General Assembly elected him treasurer, the governor appointed him to the bench, the General Assembly chose him a delegate to the Continental Congress, and the Continental Congress elected him its presiding officer.[13] The reaction finally culminated in his election as governor in 1781, and his re-election in 1788, and again in 1789. Among the many interesting problems of his administration were the settlement of Indian affairs, the adjustment of the war debt, the treatment of the Loyalists, the cession of the western territory to the Federal government, and the "State of Franklin;" but today time does not permit that we con-

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12. See letters of Archibald Maclaine to George Hooper, State Records, XVI., 957, 963.
13. He declined to serve.

sider his policy toward them. The chief issue of his administration was the ratification of the Federal Constitution to the consideration of which we must devote a few moments.

The convention to consider the new constitution met at Hillsboro, July 21, 1788.[14] "Conservatives" and "Radicals" now rapidly crystallizing into political parties as Federalists and Anti-Federalists, arrayed themselves for the contest under their former leaders, Samuel Johnston and Willie Jones. The Anti-Federalists controlled the convention by a large majority, nevertheless out of respect for his office they unanimously elected Governor Johnston president. All the debates, however, were held in committee of the whole and this plan, by calling Governor Johnston out of the chair, placed him in the arena in the very midst of the contest. Though he was the accepted leader of the Federalists, the burden of the debate fell upon the younger men among whom James Iredell stood pre-eminent. Contesting pre-eminence with Iredell, but never endangering his position, were William R. Davie, Archibald Maclaine, and Richard Dobbs Spaight. Governor Johnston but rarely indulged his great talent for debate, but when he did enter the lists he manifested such a candor and courtesy toward his opponents that he won their respect and confidence, and he spoke with such a "relentlessness in reasoning" that but few cared to engage him in discussion. Johnston could not have been anything else than a Federalist. Since the signing of the treaty of peace with England the country

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14. The Journal of this Convention is printed in State Rec., XXII., 1-35.

had been drifting toward disunion and anarchy with a rapidity that alarmed conservative and thoughtful men. The issue presented in 1787 and 1788, therefore, was not the preservation of liberty but the prevention of anarchy, and on this issue there could be but one decision for Samuel Johnston. The day for the speculative theories and well turned epigrams of the Declaration of Independence had passed; the time for the practical provisions of the Federal Constitution had come. Consequently the debates at Hillsboro dealt less with theories of government than with the practical operations of the particular plan under consideration.

In this plan Willie Jones and his followers saw all sorts of political hobgoblins, and professed to discover therein a purpose to destroy the autonomy of the states and to establish a consolidated nation. They attacked the impeachment clause on the ground that it placed not only Federal senators and representatives, but also state officials and members of the state legislatures completely at the mercy of the National Congress. Johnston very effectively disposed of this ridiculous contention by pointing out that "only officers of the United States were impeachable," and contended that senators and representatives were not Federal officers but officers of the states. Continuing he said:

"I never knew any instance of a man being impeached for a legislative act; nay, I never heard it suggested before. A representative is answerable to no power but his constituents. He is accountable to no being under heaven but the people who appoint him. . . . Removal from office is the punishment, to which is added future disqualification. How can a man be

removed from office who has no office? An officer of this state it not liable to the United States. Congress cannot disqualify an officer of this state. No body can disqualify but the body which creates. . . .I should laugh at any judgment they should give against any officer of our own."[15]

But, said the opponents of the Constitution, "Congress is given power to control the time, place, and manner of electing senators and representatives. This clause does away with the right of the people to choose representatives every year;" under it Congress may pass an act "to continue the members for twenty years, or even for their natural lives;" and it plainly points "forward to the time when there will be no state legislatures, to the consolidation of all the states." To these arguments Johnston replied:

"I conceive that Congress can have no other power than the states had . . . . The powers of Congress are all circumscribed, defined, and clearly laid down. So far they may go, but no farther. . . . They are bound to act by the Constitution. They dare not recede from it."

All these arguments sound very learned and very eloquent, retorted the opponents of the Constitution, but the proposed Constitution does not contain a bill of rights to "keep the states from being swallowed up by a consolidated government." But Governor Johnston, in an exceedingly clear-cut argument, pointed out not only the absurdity but even the danger of including a bill of rights in the Constitution. Said he:

"It appears to me, sir, that it would have been the

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15. Elliott's Debates. The extracts from Johnston's speeches on the Constitution, which follow, are all from the same source.

highest absurdity to undertake to define what rights the people of the United States are entitled to; for that would be as much as to say they are entitled to nothing else. A bill of rights may be necessary in a monarchial government whose powers are undefined. Were we in the situation of a monarchial country? No, sir. Every right could not be enumerated, and the omitted rights would be sacrificed if security arose from an enumeration. The Congress cannot assume any other powers than those expressly given them without a palpable violation of the Constitution. . . .In a monarchy all power may be supposed to be vested in the monarch, except what may be reserved by a bill of rights. In England, in every instance where the rights of the people are not declared, the prerogative of the king is supposed to extend. But in this country we say that what rights we do not give away remain with us."

Though Johnston desired to throw all necessary safeguards around the rights of the people, he did not desire a Union that would be a mere rope of sand. The Union must have authority to enforce its decrees and maintain its integrity, and if he foresaw the rise of the doctrines of nullification and secession, he foresaw them only to expose what he thought was their fallacy.

"The Constitution (he declared) must be the supreme law of the land, otherwise it will be in the power of any state to counteract the other states, and withdraw itself from the Union. The laws made in pursuance thereof by Congress, ought to be the supreme law of the land, otherwise any one state might repeal the laws of the Union at large. . . . Every

treaty should be the supreme law of the land; without this, any one state might involve the whole union in war."

Acts of Congress, however, must be in "pursuance" of the powers granted by the Constitution, for Johnston had no sympathy with the notion that the courts must enforce acts of legislative bodies regardless of their constitutionality. As he said:

"When Congress makes a law in virtue of their (sic) constitutional authority, it will be actual law. . . . Every law consistent with the Constitution will have been made in pursuance of the powers granted by it. Every usurpation, or law repugnant to it, cannot have been made in pursuance of its powers. The latter will be nugatory and void."

Johnston, of course, did not think the Constitution perfect and he was as anxious as Willie Jones to have certain amendments made to it. But he took the position that North Carolina, then fourth of the thirteen states in population, would have more weight in securing amendments in the Union than out of it. Indeed, he reasoned, as long as the state remains out of the Union there is no constitutional way in which she can propose amendments. Accordingly, as the leader of the Federalists, on July 30, he offered a resolution:

"That though certain amendments to the said Constitution may be wished for, yet that those amendments should be proposed subsequent to the ratification on the part of this state, and not previous to it."

Willie Jones promptly rallied his followers against this action and defeated Johnston's resolution by a vote of 184 to 84. Then after proposing a series of amendments, including a bill of rights, the Convention, by

the same vote of 184 to 84, refused to ratify the Constitution and, August 2, adjourned *sine die*.

Thus a second time, in a second great political crisis, Willie Jones triumphed over his rival; but again, as in 1776, his triumph was shortlived. With wise forethought Iredell and Davie had caused the debates of the Convention to be reported and published, and through them appealed from the Convention to the people. How far these debates influenced public opinion it is of course impossible to say, but certain it is that no intelligent, impartial reader can rise from their perusal without being convinced that the Federalists had much the better of the argument. Public opinion so far shifted toward the Federalists' position that when the second Convention met at Fayetteville, November 16, 1789, the Federalists had a larger majority than their opponents had had the year before.[16] Again Samuel Johnston was unanimously elected president. The debates of this Convention were not reported; indeed, the debates of the former Convention had rendered further discussion unnecessary. The people of the state had read those debates and had recorded their decision by sending to the Convention a Federalist majority of more than one hundred. Accordingly after a brief session of only six days the Convention, November 21, 1789, by a vote of 195 to 77, ratified the Constitution of the United States and North Carolina re-entered the Federal Union.

The privilege of transmitting the resolution of ratification to the President of the United States and of receiving from him an acknowledgment of his sincere

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16. The Journal is printed in State Rec., XXII., 36-53.

gratification at this important event, fell to the lot of Samuel Johnston. It was fitting, too, that he who, for more than twenty years, had stood among the statesmen of North Carolina as the very personification of the spirit of union and nationalism should be the first to represent the state in the Federal Senate. Of his services there I cannot speak today more than to say that he represented the interests of North Carolina with the same fidelity to convictions and courage in the discharge of his duties which had always characterized his course in public life; and that on the great national issues of the day he lifted himself far above the narrow provincialism which characterized the politics of North Carolina at that time and stood forth in the Federal Senate a truly national statesman. It had been well for North Carolina and her future position in the Union had she adhered to the leadership of Johnston, Davie, Iredell, and the men who stood with them—men too wise to trifle with their principles, too sincere to conceal their convictions, and too brave and high-minded to mislead the people even for so great a reward as popular favor. But in the loud and somewhat blatant politics of that day these men could play no part, and one by one they were gradually forced from public life to make way for other leaders who possessed neither their wisdom, their sincerity, nor their courage. In 1793 Samuel Johnston retired from the Senate, and, except for a brief term on the bench, spent the remaining twenty-three years of his life in the full enjoyment of his happy family circle.

Samuel Johnston deserves a high rank among the constructive statesmen of North Carolina. On the mere score of office-holding he has been equalled by few and surpassed by none of the public men of this

Commonwealth. But in the fierce light of history what a paltry thing is the mere holding of public office; and how quickly posterity forgets those who present no other claim to fame! Posterity remembers and honors him only who to other claims adds those of high character, lofty ideals, and unselfish service; whose only aims in public life are the maintenance of law, the establishment of justice, and the preservation of liberty; who pursues these ends with a fixity of purpose which never weakens, a tenacity which never slackens, and a determination which never wavers. Measuring Samuel Johnston by this standard, I am prepared to say that among the statesmen of North Carolina he stands without a superior. Indeed, taking him all in all, it seems to me that he approaches nearer than any other man in our history to Tennyson's fine ideal of the "Patriot Statesman."

> "O Patriot Statesman, be thou wise to know
> The limits of resistance, and the bounds
> Determining concession; still be bold
> Not only to slight praise but suffer scorn;
> And be thy heart a fortress to maintain
> The day against the moment, and the year
> Against the day; thy voice, a music heard
> Thro' all the yells and counter yells of feud
> And faction, and thy will, a power to make
> This ever-changing world of circumstance,
> In changing, chime to never-changing Law."

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