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Harvey.

Vol. VIII.

JULY, 1908.

No. 1

*The*  
NORTH CAROLINA BOOKLET

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*"Carolina! Carolina! Heaven's blessings attend her!  
While we live we will cherish, protect and defend her."*

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Published by  
THE NORTH CAROLINA SOCIETY  
DAUGHTERS OF THE REVOLUTION

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The object of the BOOKLET is to aid in developing and preserving North Carolina History. The proceeds arising from its publication will be devoted to patriotic purposes.

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Vol. VIII

JULY, 1908

No. 1

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## JOHN HARVEY.<sup>1</sup>

BY R. D. W. CONNOR,  
Secretary of the North Carolina Historical Commission.

Of all the men who inaugurated the Revolution in North Carolina, John Harvey, perhaps, is least known. But little has been written of his services to his country, and the student of his career will search in vain outside of the bald official records for more than a mere mention of the official positions which he held. These records, however, reveal a career that would do honor to any of his great contemporaries.

The origin of the Harvey family in North Carolina has been the subject of much speculation and has been accounted for in various ways. The traditional accounts credit Virginia with furnishing this family to North Carolina, but whatever may be true of the other branches, this is not true of the branch from which John Harvey sprung. During the middle of the seventeenth century the first John Harvey of whom we have any record, and his wife Mary, lived "at ye Heath in Shetterfield Parish in Warwick Sheare in Ould England." One of their sons, Thomas Harvey, came to North Carolina some time about 1680 as private secretary to Governor John Jenkins. He himself afterwards served as deputy governor during the absence of Governor Archdale. Upon his arrival there he found others of his name who were

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<sup>1</sup> Reprinted, with additional matter, from the "Biographical History of North Carolina," Volume IV, by permission of Charles L. Van Noppen, Publisher.

already prominent in the official life of the province. They had settled in Perquimans County on Albemarle Sound, occupying a strip of land between the Yeopim and Perquimans rivers, known to this day as Harvey's Neck. Governor Jenkins died December 17, 1681. Within less than four months Thomas Harvey showed his devotion to the memory of his patron by marrying the bereaved widow, Johannah. In those early days in North Carolina, when the number of men in the province greatly exceeded the number of women, it was probably regarded as contrary to public policy for a sprightly woman to hide her charms behind a widow's veil. Six years after her second marriage Johannah Harvey died. Thomas Harvey bore his loss with becoming fortitude and within less than six months resigned his sorrows into the keeping of Sarah Laker, the daughter of a prominent colonial official, Benjamin Laker, and his wife Jane Dey. By her Thomas Harvey had three children. The second son, a Thomas also, married Elizabeth Cole, daughter of Colonel James Cole, of Nansemond County, Virginia. This union continued only a few years, Thomas Harvey dying during the winter of 1729. He left four sons, Thomas, John, Benjamin, and Miles.<sup>2</sup> In his will he made provisions and left directions for the education of these boys; one legacy in this will was a hundred pounds proclamation money for the poor of Perquimans County.

The second of these boys was destined to become the most illustrious of the Harveys. He was born some time about the year 1725. According to the provisions of his father's will he received a good education, probably under a private tutor, or, as was not unusual then, in England. We may suppose that, like other boys similarly situated, he gave due

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<sup>2</sup> Hathaway: North Carolina Historical and Genealogical Register, Vol. 3, No. 3, 476-480.



attention to the sports common in frontier settlements—riding, hunting, fishing, swimming, rowing, and other outdoor amusements. Early in life he was married to Mary Bonner, daughter of Thomas and Abigail Bonner, of Beaufort County. They had ten children. It is not unworthy of remark that the Harveys were a prolific family. John Harvey's eldest son, Thomas, had eight children; his second son, John, had three; Miles, his fifth son, had four; while Joseph, the seventh son, had fourteen. John Harvey's grandchildren also proved themselves in this respect not unworthy of their origin.<sup>3</sup>

We know nothing about John Harvey's early life. As soon as he was old enough to understand such things he manifested a lively interest in provincial politics; the traditions of his family, no less than his own inclinations, would lead him to do so. A promising young man, supported by family influence, wealth, and education, he could not fail to attract the attention of the local politicians of the popular party. He had scarcely laid aside his childish things before they brought him forward as a candidate for a seat in the General Assembly, and elected him a member of the session held at New Bern in June of 1746.<sup>4</sup> He arrived one day too late to take part in the organization of the House, which was effected by the election of Samuel Swann speaker. The journal quaintly states that, June 12, "Mr. John Starkey moved that as Mr. Samuel Swann had been speaker heretofore and no objection lay against his behaviour in that station he may be chosen speaker." To this proposition there was no dissent. John Harvey's first session was a short one, lasting only sixteen days.

Harvey had entered the Assembly, however, just in time to become involved in one of the bitterest contests connected with

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<sup>3</sup>Ibid. <sup>4</sup>Colonial Records of North Carolina, IV, 818.

our colonial history. The early North Carolina charters had given to the counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie,<sup>5</sup> and Tyrrell the privilege of sending five members each to the Assembly, and had allotted to all the other counties only two each. As these latter counties grew in wealth and population they looked with jealous eyes on the extra privilege of the older counties. Rivalries and friction enhanced by local prejudices arose out of this inequality. By having five members each the northern counties had a majority of the Assembly, and of course controlled legislation. The southern counties could do nothing but patiently await their opportunity to strike a more nearly even balance. It happened that just at the time John Harvey entered the Assembly the governor, Gabriel Johnston, a hard-headed Scotchman, threw himself into the controversy on the side of the southern counties. In November, 1746, he called the Assembly to meet at Wilmington.<sup>6</sup> On account of the difficulties in reaching Wilmington at that season of the year, the northern members had declared that they would not attend an Assembly held at that place. Relying upon the fact that they composed a majority of the members, they expected, of course, that no session could be held without them. In this they reckoned without their host. Little did John Harvey and his colleagues think that Samuel Swann and his colleagues, for the sake of a petty sectional advantage, would surrender one of the most cherished constitutional principles for which the colonists had ever contended—that no number less than a majority of the Assembly ought to be considered a quorum. But this is just what the southern members did, for at the bidding of a royal governor they formed a house composed of less than a majority, and proceeded to business. Only two bills

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<sup>5</sup>Northampton County had afterwards been created out of Bertie and given two of the latter's five members. Northampton acted with the northern counties. <sup>6</sup>Colonial Records, IV, 838.

were passed at this session—one to make New Bern the capital of the province, the other to reduce the representation of the northern counties to two members each. After this had been done the governor with many honeyed words sent the members home.

Of course the northern counties refused to recognize the validity of laws passed by this rump Assembly. So when the governor issued his writs for a new election, commanding them to choose two members each, they refused obedience, and chose five each as usual. John Harvey was one of those elected for Perquimans. But the governor declared the elections void. Thereupon the northern counties appealed to the king. The controversy was long and bitter. Eight years passed before a decision was reached on the appeal, and during these years the northern counties, refusing to send only two members each—the only number the governor would recognize<sup>7</sup>—were not represented in the Assembly of the province. It was not until March 14, 1754, that the board of trade filed its report with the king; the decision was in favor of the northern counties.<sup>8</sup>

Governor Johnston, dying in 1752, did not live to see the end of the controversy he had helped to fasten on the colony. His successor was Arthur Dobbs. He arrived in North Carolina in October, 1754,<sup>9</sup> bringing instructions to call a new Assembly in which the representation was to be distributed as it had been prior to 1746. This Assembly met in New Bern, December 12th, and was the first session in eight years at which all the counties were represented.<sup>10</sup> John Harvey was returned at the head of the Perquimans delegation. John Campbell was there from Bertie, leader of the northern forces; Samuel Swann from Onslow, leader of the southern

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<sup>7</sup>Col. Rec., IV, 856-57.    <sup>8</sup>Col. Rec., V, 81.    <sup>9</sup>Col. Rec., V, 144g.

<sup>10</sup>Col. Rec., V, 231.

faction. The northern faction was of course hostile to Swann, and for the first time in fourteen years an opponent for the speakership appeared. An interesting contest ensued. There were fifty-eight members of the Assembly, thirty of whom were of the northern faction, twenty-eight of the southern. On the opening day, however, six members were absent, four of the former, two of the latter party, so that those present were equally divided in their allegiance. This gave the southern members some encouragement, for if their two absent colleagues arrived before those of their opponents, they could re-elect Swann and triumph over the arrogant North. When the house met, therefore, "Mr. Sinclair set up Mr. Samuel Swann; Mr. Thomas Barker proposed and set up Mr. John Campbell, on which the motion was made and the question was put, and the house dividing there appeared an equality of votes." Neither faction was willing to give way. Word was therefore sent to the governor that the house could not yet attend upon him, and his opinion was asked as to the solution of the difficulty. Dobbs replied that it was an unprecedented case, "but in all cases where there was a right, there ought to be a remedy," and he thought the clerk ought to cast the deciding vote. The house would not agree to this, and Swann, realizing that the chances were against him, offered to withdraw. His friends demurred, but in spite of their opposition "Mr. Swann acquainted the members that in order to expedite the business of the house he gave up his pretensions to the said place to Mr. John Campbell, whereupon he was placed in the chair."<sup>11</sup> The next morning Governor Dobbs wrote: "Although there may be some little sparing betwixt the parties, yet both have assured me it shall have no effect upon public affairs or make my administration uneasy."<sup>12</sup>

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<sup>11</sup> Col. Rec., V, 233.    <sup>12</sup> Col. Rec., V, 153-4.

The great event of Governor Dobbs's administration was the French and Indian War. No man was more British in his enmity to the French or more Protestant in his hostility to their religion than Arthur Dobbs. He made the wringing of money out of the province for the prosecution of the war the paramount object of his administration. The Assembly met his demands as liberally as they thought the situation and circumstances of the province justified, but they could not satisfy the governor. Greater demands pressed in impolitic language gave birth to sharp controversies over the limitations on the prerogatives of the Crown and the extent of the privileges of the Assembly. In these debates John Harvey was one of the leaders in stoutly maintaining that the only authority on earth that could legally levy taxes on the people was their General Assembly. Dobbs's first Assembly voted £8,000 for war purposes.<sup>13</sup> John Harvey was a member of the committee that drafted the bill. An incident connected with its passage is significant and worthy of record. The Council, or upper house, having proposed an amendment, the Assembly, or lower house, promptly rejected it and, instead, resolved, without a dissenting vote, "that the Council in taking upon them to make several material alterations to the said bill whereby the manner of raising as well as the application of the aid thereby granted to his Majesty is directed in a different manner than by that said bill proposed, have acted contrary to custom and usage of Parliament, and that the same tends to infringe the rights and liberties of the Assembly, who have always enjoyed uninterrupted the privilege of framing and modeling all bills by virtue of which money has been levied on the subject for an aid for his Majesty."<sup>14</sup> Within less than a year after this session adjourned all British America was thrown into consternation

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<sup>13</sup> Col. Rec., V, 243 et seq.    <sup>14</sup> Col. Rec., V, 287,



by the disastrous ending of Braddock's expedition. Governor Dobbs at once convened the Assembly 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."<sup>15</sup> The house went into committee of the whole, with John Harvey presiding, to consider the ways and means of raising £10,000. Harvey was also a member of the committee to draft the bill which was promptly passed. Three companies were ordered to be raised and placed at the disposal of the governor. The next session of the Assembly, 1756, voted another war appropriation, £4,400.<sup>16</sup> In the meantime the war had been going against the British and the ministry felt that more concerted action by the colonies was desirable. At a meeting of southern governors at Philadelphia, March, 1757, a plan was adopted which apportioned 400 troops to North Carolina.<sup>17</sup> When Governor Dobbs laid this plan before the Assembly, the house, through a committee of which Harvey was a member, promised to do all within its power to carry it into execution.<sup>18</sup> A bill carrying £5,306 was introduced. John Harvey was especially instrumental in securing its passage. He presided over the committee of the whole to consider ways and means, was a member of the committee that drafted the bill, and a member of the conference committee of the two houses. These appropriations were all voted with "alacrity," as the Assembly said, and the governor acknowledged, though they imposed upon the people a debt of "above forty shillings each taxable," which was more than the currency in circulation in the province.<sup>19</sup>

The summer of 1757 was one of the gloomiest in the annals of the British empire. Success everywhere crowned the arms

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<sup>15</sup> Col. Rec., V, 495 et seq. <sup>16</sup> Col. Rec., V, 734. <sup>17</sup> Col. Rec., 750.

<sup>18</sup> Col. Rec., V, 829 et seq. <sup>19</sup> Col. Rec., V, 1001.

of France. In America, the French empire "stretched without a break over the vast territory from Louisiana to the St. Lawrence."<sup>20</sup> The Indians called Montcalm the "famous man who tramples the English under his feet."<sup>21</sup> In July, however, a new force was introduced into the contest which, it is not mere rhetoric to say, was destined in a few brief months to raise the banner of England from the dust of humiliation to float among the most exalted stars of glory. This force was the genius of William Pitt, "the greatest war minister and organizer of victory that the world has seen."<sup>22</sup> The Assembly of North Carolina had quarreled with Dobbs, but the words and spirit of Pitt inspired them, "notwithstanding the indigency of the country," to renewed efforts for the support of the war. John Harvey was a member of the committee that drafted a bill enrolling three companies to serve in the Virginia campaign under General Forbes and appropriating £7,000 for their subsistence.<sup>23</sup> The house requested that these troops be sent to General Forbes "without loss of time." The summer of 1758 was as glorious as the summer of 1757 had been gloomy. In every quarter of the globe England's arms were victorious. In Europe victory followed victory with dazzling rapidity. In America Louisburg fell, Fort Frontenac surrendered, and Fort Duquesne was rebaptized with the name of England's great war minister. The North Carolina Assembly at the winter session voted £2,500 for the North Carolina troops serving on the Ohio.<sup>24</sup> After this 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 in a matter which he was pleased to consider an encroachment upon the king's prerogative; and rather than yield a little where resistance could do no

<sup>20</sup> Green: *Short History of the English People*. <sup>21</sup> Fiske: *New France and New England*, 309. <sup>22</sup> Fiske: *Ibid*, 315. <sup>23</sup> *Col. Rec.*, V, 1003. <sup>24</sup> *Col. Rec.*, V, 1063.

good, he foolishly threw away the supplies which a burdened people reluctantly offered. Quarrel after quarrel followed; the sessions were consumed with quarrels. The Assembly refused to frame supply bills at the governor's dictation, and in an outburst of wrath he wrote to the board of trade that the members were "as obstinate as mules," and appealed to the king to strengthen his authority that he might "prevent the rising spirit of independency stealing into this colony."<sup>25</sup>

While the war occupied public attention little else occurred to attract general interest. John Harvey had gradually forged his way to the front rank of the popular leaders and had become the recognized head of the northern party. In October, 1755, Governor Dobbs wrote to the board of trade, "parties are only smothered, yet not quite laid aside."<sup>26</sup> The truth of this observation became apparent at the session of September, 1756. John Campbell was detained at home on account of sickness and sent in his resignation of the speakership. The smoldering embers of faction at once broke forth. The North lined up behind John Harvey in one more effort to break the power of Samuel Swann. But as no one expected such a contest, several members of the Assembly were not present at the opening, and when the roll was called only thirty-eight answered. The majority of these were of the Swann faction, and he was accordingly elected speaker.<sup>27</sup> This was the last attempt made to defeat Swann. Events soon occurred that welded the two parties together for united resistance to the encroachments of the governor, and harmony being the first essential for success, Swann was allowed to preside over the Assembly until he voluntarily resigned the honor. Except for matters relating to the war the time and attention of the Assembly were given largely to schemes for internal improvements. John Harvey was concerned in much

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<sup>25</sup> Col. Rec., VI, 251. <sup>26</sup> Col. Rec., V, 440. <sup>27</sup> Col. Rec., V, 689.



of this uninterestingly necessary work. He served on most of the important committees and was frequently called on to preside over the house in committee of the whole.

Governor Dobbs, who had grown peevish with age, was given permission in 1765 to surrender the cares of his office to a lieutenant-governor and return to England. While he was busily packing for his trip "his physician had no other means to prevent his fatiguing himself than by telling him he had better prepare himself for a much longer voyage." He set sail on this "longer voyage" March 28, 1765.<sup>28</sup> His successor was William Tryon, the ablest of the colonial governors. Tryon's first Assembly met at New Bern, May 3, 1765.<sup>29</sup> He laid before the house some correspondence relative to the establishment of a postal route through the province, and recommended that an appropriation be made for the purpose. This was of course a matter of the first importance, and the Assembly, desiring more information than was then available, resolved to postpone final action until the needed data could be collected. However, "desirous that a matter of such public utility should take effect" at once, the house appointed a committee to arrange with the postmaster general for a temporary route until more definite action could be taken. The chairman of this committee was John Harvey. The work was pushed with vigor and success, and a route was laid out from Suffolk in Virginia to the South Carolina boundary line, a distance of two hundred and ninety-seven miles. In a letter to Governor Bull of South Carolina urging him to have the route continued to Charleston, Governor Tryon says, evidently referring to the committee, that the route was established through North Carolina "by the assiduity of some gentlemen" of this province.<sup>30</sup>

December 20, 1765, Tryon, who had until then been lieu-

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<sup>28</sup> Col. Rec., VII, 3,   <sup>29</sup> Col. Rec., VII, 61.   <sup>30</sup> Col. Rec., VII, 100.

tenant-governor, qualified as governor. As was customary when a new governor entered upon his office, he dissolved the Assembly, December 21, and issued writs for a new one. Nearly a year passed, however, before he allowed the members to convene, and they did not meet until November 3, 1766.<sup>31</sup> That day Richard Caswell, representing Dobbs County, "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," continues the journal, "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 came to his own. Since the people then had no voice in the choice of their governor, the highest office within their gift 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, as leader of the province, which John Harvey now assumed, he never lost, though once temporarily laid aside because of ill health. It is of course impossible, from the bare records that have been preserved, to estimate accurately the exact share which he had in the stirring scenes

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<sup>31</sup> Col. Rec., VII, 342.

enacted in the province from now until his death, but we know that as leader of the popular party his was the mind that directed the inauguration of the Revolution in North Carolina. He was the author of many of the movements that culminated in the Revolution, while none were attempted until he had been consulted and his co-operation secured. How he bore himself in his responsible position the success of those movements, guided by him in their inception, bears witness.

At the winter session of 1767-1768 Edmund Fanning moved in the Assembly that the speaker provide for himself, the clerks and other officials "necessary robes, suitable to their stations, and a mace for this house and the Council at the expense of the public."<sup>32</sup> The motion was passed unanimously. At the next session Harvey reported that he had written to London to learn what the articles would cost, and now submitted his information to the house for instructions. "Whereupon the house resolved," as the journal states, "that the two silver maces of about two feet long and gilded, weighing about one hundred ounces, do not exceed the sum of one hundred and fifteen pounds sterling, and that the robes for Mr. Speaker do not exceed the sum of fifteen pounds sterling."<sup>33</sup> Harvey accordingly ordered the articles through the colony's agent, Henry Eustace McCulloh. McCulloh sent the robe, but not the maces, because he did not have money enough for the latter. A resolution of the North Carolina Assembly evidently would not pass for currency in London. Referring to the robe McCulloh wrote to Harvey: "I flatter myself it will please, for it is rich and plain. You will want a handsome tye upon the occasion, but that, I recollect, George Gray, of Edenton, can furnish you with. Ninety-nine out of a hundred of the sons of Adam bow the knee to

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<sup>32</sup> Col. Rec., VII, 656.    <sup>33</sup> Col. Rec., VII, 969.

appearances; so far wise men approve, and make use of them."<sup>34</sup>

But graver matters than the purchase of parliamentary paraphernalia demanded the attention of John Harvey and the North Carolina Assembly. The Stamp Act had been repealed, but the continent was now in a turmoil from one end to the other over the Townsend Acts. Massachusetts and Virginia, during the summer of 1768, issued their famous circular letters inviting the co-operation of the other colonies in concerting measures of resistance, in order that their remonstrances and petitions to the king "should harmonize with each other." November 11, 1768, John Harvey laid copies before the Assembly.<sup>35</sup> Much to the disgust of some of the leaders the house declined to take any action except to give the speaker verbal directions to answer them.<sup>36</sup> The house then resolved to present "an humble, dutiful and loyal address" to the king, praying the repeal of the several acts imposing duties on goods imported into America. A committee composed of John Harvey, Joseph Montfort, Samuel Johnston, Joseph Hewes, and Edward Vail was appointed to draw up the address, which Henry Eustace McCulloh was instructed to present.<sup>37</sup> Thus the Assembly missed the real significance of the proposition, unity of action with the other colonies. Union was the great bugbear of the king and ministry; they did not doubt that if the colonies could be kept separated they could easily bring them to terms. The policy of the king, therefore, was to avoid as far as possible giving the Americans a common grievance in support of which they could unite. So, too, the king and ministry did not dispute the right of each colony alone to petition the throne for redress of grievances; but they fought desperately against any disposition on the part of the Americans to unite in their

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<sup>34</sup> Col. Rec., VIII, 59. <sup>35</sup> Col. Rec., VII, 928. <sup>36</sup> Col. Rec., VIII, 9.

<sup>37</sup> Col. Rec., VII, 973.

petitions. Johnston and Hewes were so disgusted at the Assembly's flash in the pan that they declined to serve on the committee. But John Harvey acted more wisely. He assumed that the Assembly intended for the committee to act in concert with the committees of the other colonies, and thus improved on the Assembly's verbal instructions. In his letter to Thomas Cushing, speaker of the Assembly of Massachusetts, Harvey said: "I am directed to inform you that they [the North Carolina Assembly] are extremely obliged to the Assembly of the 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 grievances so justly complained of. This house is desirous to cultivate the 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."<sup>38</sup> In their letter of instructions to McCulloh, Harvey, Montfort, and Vail, said: "The last thing, Sir, which we shall take leave to recommend to you as the sense of the people and which we doubt not will be equally pleasing to you as to us, will be on your part a spirited co-operation with the agents of our sister colonies and those who may be disposed to serve us in obtaining a repeal of the late act imposing internal taxes on Americans without their consent and the which is justly dreaded by them to be nothing more than an introduction to other acts of the same injurious tendency and fatal consequences."<sup>39</sup> This

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<sup>38</sup> The Boston Evening Post, May 15, 1769. <sup>39</sup> Col. Rec., VII, 877.



course taken by John Harvey and the other members of the committee, therefore, saved North Carolina from the odium which a failure to support the common cause would have heaped on the colony.

In the address to the king, which Harvey as chairman of the committee probably wrote, the king was reminded that in the past whenever "it has been found necessary to levy supplies within this colony requisitions have been made by your Majesty or your royal predecessors conformable to the rights of this people, and by them cheerfully and liberally complied with"; and while promising a like compliance in the future, the address maintained that members of the "Assembly can alone be the proper judges, not only of 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 dear a rate, brought with them inherent in their persons, and transmitted down to their posterity, all 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 on 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 can not be legally taxed but by themselves or their representatives and that your Majesty's subjects within this province are repre-

sented in Parliament we can not allow, and are convinced that from our situation we never can be.”<sup>40</sup>

McCulloh's letters to the committee and to Harvey give the history of the address after it reached him. To the committee he wrote that in accordance with customary procedure he waited on Lord Hillsborough, secretary of state for the colonies, with the address and that his lordship agreed to present it to the king. The answer, he said, would be forwarded through the official channels.<sup>41</sup> To his friend, John Harvey, to whose influence McCulloh owed his appointment, he wrote with more freedom. “The little right I had to expect that warmth of friendship which I have met from you,” he said, “is an additional circumstance to the grateful sense I have of your partial kindness; I am very sensible that my success in the affair of the agency is principally the work of your hand. I wish I may ever have it in my power to make you a more weighty return than words; them I will spare. I am proud and happy in your friendship, and will endeavor to deserve it.

“I don't mean a compliment, but I really think the general idea of your petition is the best I have seen. I should have blushed forever for you if you had not bore [sic] some testimony in the good cause. Surely you have been polite and compliant enough.

“It may be proper to give you a little private history as to your petition. I am convinced they would have been better pleased had you let it alone. Many of my friends (acquaintances rather) in Carolina, have kindly hinted to me, that I would best judge whether I would lay the ideas of the mad (rebellious) Americans at the foot of the throne; and have been kindly concerned for the consequences to me should I attempt it. I am much obliged to them. I see nothing in

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<sup>40</sup>Col. Rec., VII, 980. <sup>41</sup>Col. Rec., VIII, 55.

your petition but my soul approves. My spirit as well as my circumstances are independent, and though my Lord H—h [Hillsborough] had the politeness to say *that petitioning in my circumstances was foolish*, (his own words) I insisted I had no discretion to exercise—no question to ask, but that it should be presented in the most proper and official manner; had he refused I would have bent the knee myself—the way it has been done is the only one, and never deviated from but in cases of refusal. I trust in God I shall never want courage to execute your commands. \* \* \* I have it from authority, to acquaint you, that the acts complained of by America are to be repealed; their proud stomachs here must come down. Our politics here are nothing but a scene of confusion. Men's minds seem greatly inflamed. The ministry, etc., seem most cordially detested—it is, however, my opinion that they will keep their seats. \* \* \* One thing let me add—surely Messrs. H. [Hewes] & J. [Johnston] who have refused to act, will not be continued of the committee of correspondence.”<sup>42</sup>

This Assembly and the governor parted on good terms. Later, because of several deaths among the members, Tryon dissolved it and issued writs for a new election. When the new Assembly met in October, 1769, John Harvey was again unanimously elected speaker.<sup>43</sup> They met the governor in good spirits and everything promised smooth sailing; but unexpected reefs were in the way. In the preceding May the Assembly of Virginia adopted a series of resolutions on the questions at issue between the American colonies and the British Parliament. These resolutions were sent to the speakers of the various colonial assemblies. John Harvey laid a copy before the Assembly of North Carolina, November 2, and the house adopted them *verbatim*. They denied the right of Parliament to levy taxes in America. They affirmed the right

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<sup>42</sup>Col. Rec., VIII, 58–61. <sup>43</sup>Col. Rec., VIII, 107.



of the subject to petition the throne for redress of grievances. They denounced the act of Parliament requiring Americans accused of treason to be taken to England for trial. They declared "that the seizing any person or persons in this colony suspected of any crime whatsoever committed therein and sending such person or persons to places beyond the sea to be tried is highly derogatory to the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from the vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused." An address to the king was adopted which presented in a different form the same ideas embodied in the resolutions; and McCulloh was instructed, after presenting it to the king, to have it printed in the British papers.<sup>44</sup> Convinced by experience that the ears of the king were deaf to their appeals, the Americans now began to appeal to their British brethren. For these resolutions the house suffered the penalty of dissolution.

The Assembly was dissolved November 6, 1769. But the members had not completed their work and they were not ready to go home. They thought "it necessary that some measures should be taken in their distressed situation, for preserving the true and essential interests of the province," and therefore resolved to hold a meeting "for that very salutary purpose," independent of the governor. Sixty-four of the seventy-seven members immediately repaired to the courthouse and organized themselves into a convention. So far as I have been able to ascertain no account of this meeting has ever appeared in any history and, therefore, at the risk of being tedious and of prolonging this sketch beyond the proper limits, I shall give the account in full as it appears in the *South Carolina Gazette and Country Journal*, of December

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<sup>44</sup> Col. Rec., VIII, 121-124.

8, 1769.<sup>45</sup> Says that paper, after stating the fact of the meeting, "it was first proposed, for the more decent and regular discussion of such matters as might be taken into consideration, that a moderator should be appointed, and John Harvey, Esq., late speaker of the house of Assembly, was unanimously elected.

"The true state of the province being then opened and fully explained, and it being proposed that a regular association should be formed, a committee was appointed to prepare the necessary and most proper regulations for that purpose, and they were ordered to make their report to the general meeting the next day, at nine o'clock."

The next day accordingly the committee made their report, "which being read, seriously considered, and approved, was signed by a great number of the late members of the Assembly then present, and is as follows:

"We, his Majesty's most dutiful subjects, the late representatives of all the freeholders of the province of North-Carolina, avowing an invincible attachment and unshaken fidelity to our most gracious Sovereign, and protesting against every act that may have the least tendency to disturb the peace and good order of this government, which we are willing, at the risque of our lives and fortunes, to maintain and defend; but, at the same time, sensibly affected with the hardships, difficulties and discouragements the colonies at present labour under, from several taxes and impositions laid on by Parliament, for the sole purpose of a revenue, by which our money is taken from us, without our consent, and applied to the sup-

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<sup>45</sup> For this, and the other material from the South Carolina papers used in this article, I am indebted to Miss Mabel L. Webber, the very efficient Secretary of the South Carolina Historical Society. Miss Webber has been engaged by the North Carolina Historical Commission to make an index to the North Carolina items in the Colonial and Revolutionary newspapers of Charleston, and has done her work with thoroughness and accuracy. These items throw much new light on the early history of North Carolina.—R. D. W. C.

port of new created commissioners of customs, and other placemen: And by other acts of Parliament, we are deprived of that invaluable privilege of trial by our peers and the common law, and made subject to the arbitrary and oppressive proceedings of the civil law, justly abhorred by our ancestors, the freemen of England: And finding, that the most dutiful and loyal petitions and remonstrances from the colonies for redress, have been rejected with contempt; and dreading the evils which threaten us and our posterity, by reducing us from freedom to a state of slavery; and in order to stimulate our fellow subjects, the merchants and manufacturers in Great-Britain, to aid us in this our distress, and to shew our readiness to join, heartily, with the other colonies, in every legal method which may most probably tend to procure a redress, which we believe, will be most effectually promoted by establishing economy, encouraging American manufactures in general, and of this province in particular; promoting industry, and discouraging all manner of luxury and extravagances: We do therefore, most earnestly, recommend this our association, to the serious attention of all gentlemen, merchants, traders, and other inhabitants of this province, not doubting that they will, very readily and cordially, accede thereto; we therefore, whose names are hereunto subscribed, do solemnly promise and agree, to and with each other, that until the colonies are restored to their former freedom, by a repeal of those oppressive acts, we will most truly adhere to, and abide by the following resolutions, to-wit:

*First.* It was unanimously agreed on and resolved, this 7th day of November, 1769, that the subscribers, as well by their own example as all other legal ways and means in their power, will promote and encourage industry and frugality, and discourage all manner of luxury and extravagance; and will also encourage and promote the use of *North American*

*manufactures* in general, and those of this province in particular; and such of the subscribers who shall or may have any such for sale, will sell and dispose of them at the same rates as heretofore.

*“Secondly.* That they will not at any time hereafter, directly or indirectly, import or cause to be imported, any manner of goods, merchandise or manufactures, which are or shall hereafter be taxed by act of Parliament for the purpose of raising a revenue in America, except paper, not exceeding eight shillings sterling per ream, and except such articles only as orders have already been sent for; nor purchase any such after the first day of January next, of any person whatever, but they will always consider such taxation, in every respect, as an absolute prohibition; and in all future orders forbid their correspondents to ship them any goods whatever, taxed as aforesaid, except as is above excepted.

*“Thirdly.* That the subscribers will not hereafter, directly or indirectly, import or cause to be imported from Great Britain, or any part of Europe, (except such articles of the produce and manufacture of Ireland, as may be immediately and legally brought from thence, and also all such goods as orders have been already sent for) any of the goods hereinafter enumerated, to-wit: Spirits, wine, cyder, perry, beer, ale, malt, barley, pease, beef, pork, fish, butter, cheese, tallow, candles, oil, fruit, sugar, pickles, confectionary, pewter, hoes, axes, watches, clocks, tables, chairs, looking-glasses, carriages, joiners and cabinet work of all sorts, upholstery of all sorts, trinkets, and jewellery, plate and gold, and silversmiths work of all sorts, ribbons and millinery of all sorts, (except spices), silks of all sorts, (except sewing silk), cambric, lawn, muslin, gauze, (except bolting cloth), calico, or cotton stuffs, of more than two shillings per yard, linens of more than two shillings per yard, woollens, worsted 'stuffs of all sorts, of

more than one shilling and six-pence per yard, broadcloths of all kinds, of more than eight shillings per yard, narrow cloths of all kinds, of more than three shillings per yard, hats, stockings, shoes and boots, saddles and all manufactures of leather and skins, of all kinds, until the late act of Parliament imposing duties on tea, paper, glass, etc., for the purpose of raising a revenue in America are [sic] repealed; and they will not after the first day of January next, purchase any of the above enumerated goods of any person whatsoever, unless the above mentioned acts of Parliament are repealed.

*“Fourthly.* That in all orders which any of the subscribers may hereafter send to Great Britain, they shall and will expressly direct their correspondents not to ship them any of the above enumerated goods, until the above mentioned acts are repealed; and if any goods are shipped to them contrary to the tenor of this agreement, they will refuse to take the same, or make themselves chargeable therewith.

*“Fifthly.* That they will [not] import any slaves or purchase any imported, after the first day of January next, until the said acts of Parliament are repealed.

*“Sixthly.* That they will not import any wine of any kind whatsoever, or purchase the same from any person whatsoever, after the first day of January next, (except such wines as are already ordered) until the act of Parliament imposing duties thereon are [sic] repealed.

*“Seventhly.* For the better preservation of the breed of sheep, that they shall not kill, or suffer to be killed, any lambs that shall be yeaned before the first day of May, in any year, nor dispose of such to any butcher, or other person, whom they have reason to expect intends to kill the same.

*“Eighthly and Lastly.* That these resolves shall be binding on all of the subscribers, who do hereby, each and every person for himself, upon his word and honour, agree that he will



strictly and firmly adhere to, and abide by, every article in this agreement, from the time of his signing the same, for and during the continuance of the before mentioned acts of Parliament; and every subscriber who shall not strictly and literally adhere to his agreement, according to the true intent and meaning hereof, ought to be treated with the utmost contempt."

Upon the publication of these resolves the newspapers declared with triumph: "This completes the chain of union throughout the continent for the measure of non-importation and economy."

Governor Tryon had been pleased at the action of the Assembly on the circular letter of 1768; but now his wrath boiled over. He declared that the resolutions and address adopted by the Assembly "have sapped the foundations of confidence and gratitude, have torn up by the roots every sanguine hope I entertained to render this province further service, if in truth I have rendered it any, and made it my indispensable duty to put an end to this session."<sup>46</sup> To Lord Hillsborough he wrote: "I must confess the proceedings of the last Assembly have wounded my sensibility and, being dangerously ill at the time, their conduct took advantage of the then weak state of my mind, and for that reason perhaps has made the deeper impression upon it. I wish I could say with Lord Botetourt<sup>47</sup> that my prospect brightens. Confidence, my Lord, that delicate polish in public transactions, has received an ugly scratch, and I fear we have no artists here who can restore it to its original perfection."<sup>48</sup> In his reply Lord Hillsborough declared that the conduct of the Assembly in adopting "measures and resolves so unbecoming and unwarrantable" gave "great concern" to his Majesty.<sup>49</sup>

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<sup>46</sup> Col. Rec., VIII, 134. <sup>47</sup> Governor of Virginia. <sup>48</sup> Col. Rec., VIII, 169. <sup>49</sup> Col. Rec., VIII, 170.

But the friends of the American cause were as much pleased as its enemies were offended. To John Harvey, Henry Eustace McCulloh wrote: "A letter from Mr. Pryor acquaints me of the dissolution of your late Assembly and of my appointment as agent. I am pleased to think the Assembly had virtue to *deserve* the first event; and I am sensible I am greatly to thank *you* for the second."<sup>50</sup> Later he referred again to their resolutions: "In my opinion the proceedings of your late Assembly have vindicated the honor of the province, and I pray God, future assemblies may ever have wisdom to see, virtue to assert, and courage to vindicate the just rights of themselves and their constituents."<sup>51</sup> Ten days later he added: "Your governor (in my opinion) would have done wiser to have been less passionate; and had he been so I do not believe he would have been blamed here. Lord Hillsborough has found out at last that *dissolutions do no good*."<sup>52</sup>

A sentence in one of McCulloh's letters reveals the commanding position in the province which Harvey had now attained. Acknowledged leader of the popular party, there was no political position which he could now accept that would have been regarded as a promotion. McCulloh says: "For the reasons you approve, I shall endeavor hard to get some of the vacant seats in the Council filled by gentlemen from the northward. I may be wrong, but I at present conceive it would be a lessening of your dignity and weight to take one of them. Pray write me unreservedly on this subject."<sup>53</sup> Many of the leaders of the Assembly had stepped up into the Council; for Harvey alone it was suggested that it would be a step downward.

When the new Assembly met at New Bern in December, 1770, Richard Caswell was elected speaker. It has been frequently stated that the Assembly took this step because they

<sup>50</sup> Col. Rec., VIII, 171. <sup>51</sup> Col. Rec., VIII, 181. <sup>52</sup> Col. Rec., VIII, 183.

<sup>53</sup> Col. Rec., VIII, 184.

were anxious to placate Tryon, and John Harvey on account of his bold stand for the privileges of the colony was not acceptable to the governor. Such a statement is not only erroneous, but does a great injustice to all the persons concerned. It is an insinuation that the Assembly could stoop to the sacrifice of their leader in order to please a royal governor; it is an insinuation that Tryon had no better sense than to bite at the bribe; it is an insinuation that Richard Caswell was not true to the interests of the province and was willing to lend himself as a peace offering at the expense of his leader; it is an insinuation that John Harvey was willing to show the white feather after having so arrogantly waved the red flag. There is no need to seek such a complicated explanation of such a simple event; the plain truth is that John Harvey was at home sick when the Assembly convened and so a substitute had to be found. What better substitute could be found for bold John Harvey than the versatile Richard Caswell? It may as well be said here that John Harvey's relations with Tryon were of the most friendly, and even confidential, nature. In that event in Tryon's career for which he has been most blamed, the Regulator War, he received the sympathy and support of John Harvey.

Whatever may be the sympathies of the people of North Carolina to-day, one thing is certain—the Regulators received scant sympathy from those patriots of North Carolina who organized and conducted the Revolution and won American independence. In a letter to John Harvey, December 21, 1770, while the Assembly was in session and Harvey was at home sick, James Iredell said: "Before I left New Bern the Assembly had done nothing, but since there have been appearances very alarming. The day I left town (New Bern), Mr. Johnston presented a spirited bill to the house upon the subject of punishing the Regulators. \* \* \* This bill, I believe,



sir, you would have thought expedient, though severe, but desperate diseases must have desperate remedies. \* \* \* Your absence, sir, at so critical a period is much to be lamented, but yourself are equally to be pitied for the unhappy occasion, as your country for the unhappy effects of it.”<sup>54</sup> McCulloh in a letter to Edmund Fanning, whom the Regulators especially detested, refers to Harvey, and two others, as “our common friends.”<sup>55</sup> Tryon, too, regarded Harvey as friendly to his movement against the Regulators, and there is nothing to show that Harvey felt otherwise. When about to set out on his Alamance campaign, the governor wrote to Harvey: “Though I am apprehensive your situation lays [sic] too remote from the seat of the disturbances in this country to give government in time any aid to suppress the insurgents, I, nevertheless, out of respect to you, take the liberty to inform you that I purpose the last week in next month to begin my march from New Bern to Orange County, so as to be if possible the first week in May in the settlements of the insurgents.”<sup>56</sup> It is probable that had he not been ill Harvey would have followed the example of Harnett, Caswell, Ashe, the Moores, and other leaders and marched to Alamance with Tryon.

After the battle of Alamance Tryon went to New York and Josiah Martin came to North Carolina. Martin met his first Assembly November 19, 1771. The session was short, for the governor soon quarreled with the house over a measure which he denounced as “a monstrous usurpation of authority that I think provides irrefragably the propensity of this people to democracy.”<sup>57</sup>

The Assembly did not meet again until January, 1773. Richard Caswell, whose bold conduct had been the cause of Martin’s wrath, might very justly have demanded that the

<sup>54</sup> Col. Rec., VIII, 270. <sup>55</sup> Col. Rec., VIII, 223. <sup>56</sup> Col. Rec., VIII, 697.

<sup>57</sup> Col. Rec., IX, 234.

members endorse his conduct by re-electing him speaker. But realizing that it was an improper time for self-seeking, he deferred to the real leader of the Assembly, and himself nominated John Harvey. From this session till the end of royal rule in North Carolina John Harvey was continuously elected speaker of the Assembly without opposition. This January session ended in confusion. During the preceding summer Governor Martin, acting under certain instructions from the king which the assembly had positively declined to follow, had caused the boundary line between North Carolina and South Carolina to be run in such a way as to operate to the disadvantage of the former province. He now called upon the Assembly to defray the expenses of this work and the house peremptorily and sharply refused. In order to give them an opportunity to reconsider their action, which, under the rules of the house, could not be done at that session, Martin prorogued the session from March 6th to March 9th. On the 9th, when he was ready to meet the Assembly again, he found to his astonishment that the majority of the members had gone home. He therefore convened those who remained and commanded them to form a house. They refused unless a majority of the members should return. When Martin asked John Harvey 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. In an outburst of rage Martin 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 it.<sup>58</sup> He afterwards wrote to Lord Dartmouth, secretary of state for the colonies, that he had the satisfaction to find that "no ill humour or disposition has been discovered toward me," but "the Assembly confessed

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<sup>51</sup> Col. Rec., IX, 594-595.

with one accord that I had acted in every part of this business with uniform and becoming firmness, an effort of candour that I will acknowledge to your lordship I did not expect, but that is not therefore the less pleasing to me. To evince their regard to me the speaker and the other members who remained in town, at the dissolution of the Assembly, paid me a visit on the evening of that day, and complimented me in the most respectful manner. In justice to these gentlemen, my lord, it behooves me to remark to your lordship, that they were the flower of that very heterogeneous body.”<sup>59</sup> One can not let pass this opportunity to remark that these “flowers,” in the estimation of Governor Martin, soon degenerated into very obnoxious weeds.

The Assembly at this session manifested their regard for John Harvey by voting him out of the public treasury £100 “as a reward” for his extraordinary trouble, assiduity and attention to the business of the Assembly. The Council readily concurred in this resolution and the governor assented to it, declaring that he did so “with the greatest pleasure \* \* \* as it is a token of the just respect of your house to Mr. Speaker, which I am well assured the faithful services of that gentleman will always claim.”<sup>60</sup> A similar mark of respect, except that the sum was £200, was again shown in 1774.

In the meantime the quarrel with the mother country had continued with increasing bitterness, until it had become apparent to all Americans that if they were to make a successful stand for their liberties they must stand together. So when John Harvey at the December session in 1773 laid before the house letters from Virginia proposing that each colony appoint a committee of correspondence to keep in touch with the committees of the other colonies, the idea found ready acceptance. The following were elected a committee for

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<sup>59</sup>Col. Rec., IX, 600. <sup>60</sup>Col. Rec., IX, 571, 580, 936.

North Carolina: John Harvey, Robert Howe, Cornelius Harnett, William Hooper, Richard Caswell, Edward Vail, John Ashe, Joseph Hewes, and Samuel Johnston.<sup>61</sup> Thus North Carolina took her first step towards union. The next step was the natural consequence of the first and was easy to take. This was the call that now went abroad throughout the country for a Continental Congress. When Martin learned that North Carolina was determined to join in this congress he determined to prevent it by refusing to call the Assembly together until too late to elect delegates. April 2, 1774, he wrote to Lord Dartmouth that "writs have been issued for the election of a new Assembly, returnable on the 26th of May next, being one day beyond the time to which the late Assembly stood prorogued, but unless some unforeseen public exigency shall make it expedient, I do not propose another meeting of the Legislature until the fall."<sup>62</sup> Tryon had successfully 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 personal popularity, and the men with whom he was contending were not the kind to be caught twice in the same trap. When the governor's private secretary communicated his determination to John Harvey, Harvey flew into a rage, exclaiming, "In that case the people will convene one themselves." April 5, 1774, Samuel Johnston wrote 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. 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,

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<sup>61</sup> Col. Rec., IX, 737, 740, 741. <sup>62</sup> Col. Rec., IX, 959.

and declared he was for assembling a convention independent of the governor, and urged upon us to co-operate with him. He says he will lead the way and will issue handbills under his own name, and that the committee of correspondence ought to go to work at once. As for my own part, I do not know what better can be done. Without courts<sup>62</sup> to sustain the property and to exercise the talents of the country, and the people alarmed and dissatisfied, we must do something to save ourselves. 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.”<sup>63</sup>

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.<sup>64</sup> Seventy-one delegates were present, among them the ablest men in the colony. When they came to choose their presiding officer all eyes turned to one man, the father of the convention, John Harvey. A series of resolutions was passed denouncing the acts of Parliament, stating the claims of the Americans, and expressing approval of the call for a Continental Congress to which delegates were elected. John Harvey was authorized to call another convention whenever he thought it necessary. Then having 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 ser-

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<sup>62</sup> This was due to the fact that the Assembly declined to pass a court law in accordance with the king's instructions, and the king refused assent to any other. For a brief account of this long contest see sketch of Cornelius Harnett, in No. 3 of Vol. 5 of *The North Carolina Booklet*.

<sup>64</sup> Col. Rec., IX, 968. <sup>65</sup> Col. Rec., IX, 1029, 1041.



vices he has thereby rendered to this province and to the friends of America in general," the convention adjourned. No more significant step had ever been 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 appoint delegates and organize legislatures without the intervention of a king's authority. This was a long step toward independence; John Harvey took it, the people followed.

During the summer of 1774 the distressed situation of Boston, because of the Boston Port Bill, touched the hearts of the American people. In all the colonies the cry went up that Boston was suffering in the common cause. The convention of North Carolina reiterated this cry and the people, by their generous contributions, showed that their sympathy lay deeper than words. From Wilmington, New Bern, Edenton, and the surrounding counties ship loads of provisions were sent free of freight charges to the suffering poor of the New England city. September 20, 1774, John Harvey addressed the following letter to the committee of correspondence in Boston, composed of James Bowdoin, John Hancock, Samuel Adams, and Isaac Smith:

"PERQUIMANS Co., 20th Sept., 1774.<sup>65</sup>

"Honorable Gentlemen.

"Joseph Hewes, Esq., 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 Constitutional Congress at Philadelphia, I have the pleasure to send you, as per enclosed bill of lading, of the sloop *Penelope*, Ed-

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<sup>65</sup> Massachusetts Historical Society Collection, 4th Series, Vol. 4, 85-86.

ward 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 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 15. It consisted of 2,096 bushels of corn, 22 barrels of flour, and 17 barrels of pork, which, as the Boston committee said in their letter of thanks, 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, spirited and noble, worthy our patriotic brethren of North Carolina. The tender concern for, and honor done, this greatly injured and oppressed town and province, expressed therein, demand our particular notice and grateful acknowledgments, which are hereby tendered by



this committee in behalf of the town. In short, your bounty, of which we now partake so largely, and the encouragement given of the increase thereof, lay us under the greatest obligation, and make us almost forget our misery. God grant that our endeavors to restore and preserve the rights of our dear America may be attended with His favor and blessing; then we may hope that we shall have occasion, both *he that soweth* and *he that reapeth*, to rejoice together in the salvation of our God and Saviour. To Him be all the glory.”<sup>66</sup>

And yet there are those who would have us believe that in this great contest with the power of Great Britain none of the American colonies played other than a selfish role!

Foiled in his purpose to hold North Carolina aloof from the Continental Congress, Governor Martin determined to make the best of a bad situation and summoned the Assembly to meet him at New Bern, April 4, 1775. John Harvey immediately called a convention to meet at the same place April 3.<sup>67</sup> It was a wise precaution, for the Assembly sat only at the pleasure of the governor, who would certainly dissolve it upon the first manifestation of disloyalty. It was intended that the members of the Assembly should also be members of the convention, and this plan was carefully carried out, though there were members of the former who were not members of the latter. Martin was furious and denounced Harvey's action in two resounding proclamations.<sup>68</sup> The convention replied by electing Harvey moderator; the Assembly by electing him speaker.<sup>69</sup> 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 political bodies—one legal, sitting by the authority of the royal governor and in obedience to his writ; the other non-legal,

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<sup>66</sup> Ibid., 86-88. <sup>67</sup> Col. Rec., IX, 1125. <sup>68</sup> Col. Rec., IX, 1145, 1177.

<sup>69</sup> Col. Rec., IX, 1178, 1187.

sitting in defiance of his authority and in direct disregard of his proclamation. The governor impotently demanded that the former join him in denouncing and dispersing the latter, composed largely of the same men whose aid he solicited. The two bodies met in the same hall, the convention at nine o'clock a. m., the Assembly at ten, and were presided over by the same man. When the governor's private secretary was announced at the door, in an instant, in the twinkling of an eye, Mr. Moderator Harvey would become Mr. Speaker Harvey and gravely receive his excellency's message.<sup>70</sup>

Neither body accomplished much. The convention approved the "Association" recommended by the Continental Congress, agreed to adhere to it, and recommended it to the people of the province. A resolution declaring the right of the people themselves, or through their representatives, to assemble and petition the throne for redress of grievances was adopted, with the conclusion that "therefore, the governor's proclamation issued to forbid this meeting, and his proclamation afterwards commanding this meeting to disperse, are 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 of thanks for their services was adopted. Thereupon Mr. Speaker Harvey returned the thanks of the house in the following words:

"GENTLEMEN:—The sacred trust reposed in you by your country, so faithfully discharged by you, does honor to yourselves; justifies the choice made of you by the last convention; and places you in a situation to receive the best reward a patriotic breast can fill [feel], the applause of your country, who, in order to bear testimony to your merit, have directed

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<sup>70</sup> Col. Rec., Prefatory Notes, IX, XXXIV.

me to convey to you their sincere thanks for the services you have rendered them in the important office to which they appointed you. And it is with great pleasure I now, gentlemen, in behalf of this colony in general and of this convention in particular, return you those thanks which have been so unanimously resolved by the convention to be your due."

The next day John Harvey, or in the event of his death, Samuel Johnston, was authorized to call another convention when necessary.

The Assembly had time only to organize and exchange messages with the governor when it, too, came to an end. Its first offense was the election of John Harvey speaker. The governor had authority to reject the Assembly's choice if he saw fit, but he did not dare do so, however bitter a pill it was. "On the 3d instant, the time appointed for the meeting of the convention," thus he wrote to Lord Dartmouth, "\* \* \* 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,<sup>71</sup> 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 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

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<sup>71</sup>Col. Rec., IX, 1177.

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.”<sup>72</sup> The next day the Assembly committed its second offense by inviting the delegates to the convention 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 a proclamation to forbid this unhallowed union. The only notice taken of it was by James Coor, the member from Craven County, who said, after the sheriff had read the proclamation: “Well, you have read it and now you can take it back to the governor.”<sup>73</sup> “Not a man obeyed it,” wrote Martin, who had thus far succeeded in keeping his temper admirably. But on the fourth day of the session the house adopted resolutions approving the “Association” of the Continental Congress, thanking the 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, April 8, 1775, dissolving the Assembly. It was the last Assembly that met in North Carolina at the call of a royal governor and by its dissolution Governor Martin put an end 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

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<sup>72</sup> Col. Rec., IX, 1212. <sup>73</sup> Col. Rec., IX, 1213.

spirit may dictate, are speedily taken there will not long remain a trace of Britain's dominion over these colonies."<sup>74</sup>

It was impossible for Governor Martin to let slip any opportunity to vent his wrath at a rival. Three days after the dissolution of the Assembly he called the attention of the Council to the proceedings of the convention "signed John Harvey, moderator, wherein are certain resolves highly derogatory to the honour 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 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."<sup>75</sup> The councilors of his Majesty's governor gravely concurred in these sentiments and John Harvey's judicial head fell at the block.

But little did John Harvey care. His time for earthly honors and earthly contests was rapidly drawing to a close. The last days of his life were spent under the clouds of the rapidly coming revolution. That revolution no man had done more to produce than he. No man watched its outcome with greater confidence, or awaited it with greater hope. But 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 revolution destined to mark the beginning of an era in the history of mankind. *The South Carolina Gazette and Country Journal*,<sup>76</sup> in a letter dated at New Bern, May 19, 1775, announced his death in the following appreciative obituary:

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<sup>74</sup> Col. Rec., IX, 1215. <sup>75</sup> Col. Rec., IX, 1215-1216. <sup>76</sup> June 6. 1775.



“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 to be 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, patriots who had not hesitated to follow where John Harvey led, wrote these words 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.”<sup>77</sup> “He will be much missed,” wrote Joseph Hewes from Philadelphia. “I wish to God he could

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<sup>77</sup>Col. Rec., IX, 1285. McRee in his “Life and Correspondence of James Iredell,” I, 34, states, and the statement has been repeated, that Harvey died June 3, 1775. Perhaps for “June” we should read “May”.



have been spared and that the G—r [Governor] and Judge H—d [Howard] had been called in his stead.” Few the words, but sincere the tribute, from men who knew his virtues and appreciated his worth.<sup>78</sup>

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<sup>78</sup> John Harvey was buried at Belgrade farm, on Albemarle Sound, in Perquimans County, in a granite tomb said to weigh twenty tons. The tomb was originally on a bluff, but the waves have gradually washed the bluff away until the tomb now lies about three hundred yards from the shore. It has withstood the washing of the waves and is yet in a good state of preservation. It is said that there is an inscription on it, but it is so covered with moss and barnacles that it can not be deciphered.

## MILITARY ORGANIZATIONS OF NORTH CAROLINA DURING THE AMERICAN REVOLUTION.

BY CLYDE L. KING, A.M.

The purpose of this paper is to make a study of the military organizations of North Carolina, during the American Revolution, with the hope of finding out whether North Carolina or the Continental Congress exercised final and sovereign authority over them. We will examine, first, the various military organizations of the State and, second, the military organizations placed upon the Continental establishment, noting in each case how the troops were embodied, supported, officered, and directed. Then we will determine, if we can, whether North Carolina or the Continental Congress exercised sovereign control over them.

One of the first<sup>1</sup> steps taken by North Carolina toward embodying military forces for the Revolutionary War was to provide<sup>2</sup> (Sept. 7, 1775) for minute men and militia. For this purpose the Province was divided into six districts. Each of these districts was to raise one battalion<sup>3</sup> of minute men to be enlisted for six months. It seems that they were not reenlisted at the expiration of their six months term, at least no further reference is made to them after the battle of Moore's Creek.

In each of these districts, too, a brigade of militia was to be raised. "The militia of every county," so read the resolution<sup>4</sup> of the Provincial Congress, May 4, 1776, "is to consist of all the effective men from sixteen to sixty years of age and shall be formed into one regiment" and "the regi-

<sup>1</sup> On Aug. 30, 1775, two Continental Battalions had been embodied.

<sup>2</sup> Col. Records of N. C., Vol. X, pp. 196-199.

<sup>3</sup> "Consisting of ten companies, of fifty men rank and file each."

<sup>4</sup> Col. Records of N. C., Vol. X, pp. 560-564.

ments divided into companies of not less than fifty rank and file." Each company was to be divided into five divisions, one division to consist of all the more aged and infirm men, the other four divisions to draw lots for the first, second, third, or fourth turns to go on service. The militia were to muster once a month at least.

From time to time other military organizations were formed. On April 9th, 1776, three companies of Light Horse were created, "consisting of one captain, one lieutenant, one cornet and thirty-three privates each."<sup>5</sup> On April 29th, 1776, the Provincial Congress created<sup>6</sup> five Independent Companies "to consist of one captain, two lieutenants, one ensign, four sergeants, four corporals, two drummers, one fifer, and sixty-eight rank and file." Later, they created a company of rangers and embodied and equipped an artillery company. Thus we see that the legislative power of North Carolina created military organizations at will and regulated their embodiment in detail, and that they did this without reference to any other sovereign body.

How were these organizations supported, how officered, and by whom directed? All of them were paid, armed and maintained<sup>7</sup> by the State of North Carolina. The field officers for each and every battalion of minute men were recommended by the several districts and appointed by the Provincial Congress.<sup>8</sup> The field officers of each district appointed a suitable person or persons in each county to enlist minute men. These minute men, when their companies were completed, chose their captains, lieutenants and ensigns, and these appointed their respective non-commissioned officers.

The field officers of the militia were appointed by the Provincial Congress; the captains, lieutenants, and ensigns by

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<sup>5</sup> Col. Records of N. C., Vol. X, p. 506.

<sup>6</sup> Col. Records of N. C., Vol. X, p. 546.

<sup>7</sup> Col. Records of N. C., Vol. X, pp. 570-571; XI, p. 529; X, p. 290-1.

<sup>8</sup> Col. Records of N. C., Vol. X, pp. 196-197.

committees of their respective companies.<sup>9</sup> The Provincial Congress named all the officers for the five Independent Companies<sup>10</sup> and for the Light Horse.<sup>11</sup> In order that this power of appointment should always rest with the State legislature or, in its recess, with the Governor, Sec. 14 of the State Constitution<sup>12</sup> (1776) provided "That the senate and house of commons shall have power to appoint the generals and field officers of the militia and all officers of the regular army of this State" and section 20 provided "That in every case where any officer, the right of whose appointment is by this constitution vested in the General Assembly, shall, during the recess, die, or his office by any other means become vacant, the Governor shall have power, with the advice of the Council of State, to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the General Assembly." The full and ultimate power, therefore, to support and officer these troops rested in the North Carolina Legislature, or, during its recess, with the Governor.

The first decided and effective use made by North Carolina of her military forces was the overthrow of the Loyalists at Widow Moore's Creek on February 27, 1776.<sup>13</sup> The committees of safety in the various counties, in accordance with the power<sup>14</sup> vested in them by the Provincial Congress, ordered out a certain part of their militia.<sup>15</sup> These forces were placed by the Provincial Council under proper command, and other organizations were ordered to join them, so that by the time of the battle, Colonel Caswell, who re-

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<sup>9</sup> Col. Records of N. C., Vol. X, pp. 200, 204, 207.

<sup>10</sup> Col. Records of N. C., Vol. X, p. 546.

<sup>11</sup> Col. Records of N. C., Vol. X, p. 519.

<sup>12</sup> Revised Statutes of N. C., Vol. 1, p. 13.

<sup>13</sup> Col. Records of N. C., Vol. X, p. 482.

<sup>14</sup> Col. Records of N. C., Vol. X, p. 200 (On Sept. 8, 1775).

<sup>15</sup> Tryon County ordered out "every third effective."

pulsed and scattered the Loyalists, had under him<sup>16</sup> 800 minute men to whom he added the 250 under Lillington. Col. James Moore was near at hand with an army<sup>17</sup> of 1,100 men made up of the First North Carolina Continental Battalion, 150 Wilmington minute men, 200 Duplin militia and 100 volunteer independent rangers. These forces were assembled and directed by North Carolina authorities alone. Again, May 2, 1776, the Provincial Congress drafted 1,500 militia<sup>18</sup> for three months<sup>19</sup> to ward off a threatened attack, and ordered them to march as quickly as possible to Wilmington. At divers times other uses were made of the troops by local or provincial authorities, such as putting<sup>20</sup> down local uprisings of the loyalists and preventing them from joining Governor Martin.<sup>21</sup> Some of her laws, too, show that she was not expecting any other authority to make use of North Carolina troops. The act (April 29, 1776) creating the five independent companies specifically provided<sup>22</sup> that they should "be subject only to the control of this or any future Congress, or to any executive power, acting in the recess of the same, to remove or disband them." These companies were also given authority to take enemies' ships as prizes of war—a power assumed only by sovereign States. Thus we see that North Carolina made use of her troops for such purposes and in such ways as her sovereign will directed.

Whenever the urgent need for any one or more of these military organizations seemed to be past, the Provincial Congress disbanded them at will. On one occasion she dissolved the two Southern Independent Companies<sup>23</sup> and at another

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<sup>16</sup> Col. Records of N. C., Vol. X, p. 482.

<sup>17</sup> Moore's Hist. of N. C., pp. 203, 204.

<sup>18</sup> Col. Records of N. C., Vol. X, p. 558.

<sup>19</sup> May 11, 1776, this.

<sup>20</sup> Col. Records of N. C., Vol. X, p. 761.

<sup>21</sup> Col. Records of N. C., Vol. X, pp. 440, 536.

<sup>22</sup> Col. Records of N. C., Vol. X, p. 546.

<sup>23</sup> Col. Records of N. C., Vol. X, p. 92.

time certain companies of militia.<sup>24</sup> On December 15, 1777, she discharged<sup>25</sup> the militia companies that she had stationed on the coast and also those on the frontier, creating<sup>26</sup> in the place of the latter a special company of Rangers to warn the militia when Indian uprisings seemed imminent. The Provincial Congress and, later, the State Legislature not only assumed full control over these military organizations for itself, but, during its recess, vested its power in the Provincial Council and, under the constitution, in the Governor.

Not only did North Carolina assume sovereign control over her State troops within the State, embodying, officering, using, and disbanding them as she wished but, when outside the State, she exercised the same control over them. Jointly with Virginia, South Carolina, and Georgia, she subdued the Cherokees with no interference or suggestion from the Continental Congress, save the following resolution<sup>27</sup> (July 30, 1776): "Information being given to Congress by a letter from the President of South Carolina, that the Cherokees have commenced hostilities against that State, and that he has ordered a body of men to march against them and has applied for assistance to the neighboring states of North Carolina and Virginia:

*Resolved:* That it be recommended to the states of Virginia, North Carolina and Georgia to afford all necessary assistance to the State of South Carolina and to cooperate against that state in prosecuting the war against the Indians with the utmost vigor." But at once the three North Carolina delegates then in the Continental Congress, lest the home authorities might interpret this resolution as of some force and significance, sent home this statement<sup>28</sup> which they

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<sup>24</sup> Col. Records of N. C., Vol. X, p. 927.

<sup>25</sup> State Records of N. C., XII, p. 159.

<sup>26</sup> State Records of N. C., XII, p. 160.

<sup>27</sup> Journals of Cont. Cong., V, p. 616 (Ford ed.).

<sup>28</sup> Col. Records of N. C., Vol. X, p. 679.



all signed: "This resolve is by no means intended to alter the plan of military operations which you have begun or to draw off the Strength of our back Country to a distant part merely for the sake of acting in the same place with the South Carolinians, if the Opposition can be made as effectually in any manner devised by yourselves or from a part of your province from whence hostilities may successfully be carried into the bosom of the Cherokee country. *In fact, nothing is meant but to subdue the Cherokees.*" The States subdued the Cherokees, and then, without any resolution on the part of the Continental Congress, appointed joint commissioners and signed a treaty<sup>29</sup> of peace with the Indians. Later in the same year (November, 1776), North Carolina granted to South Carolina, which was then in sore need of troops, permission to raise troops in North Carolina territory. At the same time she embodied two regiments and sent them to the aid of South Carolina,<sup>30</sup> maintaining the while full control of them.<sup>31</sup>

We may conclude from these facts that North Carolina assumed the same sovereign control over her troops when without the state or in joint action with other states, as when within the state, a thing impossible had she considered herself and the other states subject to a common sovereign power.

Since North Carolina embodied, supported, officered and directed her troops, maintaining full and final authority over them, whether serving within or without the State; and since the Continental Congress in no sense even *assumed* power over these troops, and since North Carolina in her

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<sup>29</sup> Col. Records of N. C., Vol. X, pp. 650, 657, 658, 659, 660, 661-9, 889, 895, 912.

<sup>30</sup> State Records of N. C., Vol. XI, p. 103.

<sup>31</sup> Col. Records of N. C., Vol. X, p. 929.

<sup>32</sup> There were also many objections made by North Carolina to the raising of troops on her territory by other States, *e. g.*, see N. C. R., XI, p. 663.

military regulations never suggested that the Continental Congress had power to control them, we must conclude that so far as her State troops were concerned North Carolina was a sovereign and independent State.

But there remains for consideration another military organization embodied in North Carolina, the Continental Battalions. These Continental Battalions were supported by money advanced by the Continental Congress to Treasurers appointed by the North Carolina Legislature, to which they reported, and to which they looked for orders and directions.<sup>32</sup> The Battalion officers proper were all appointed by the North Carolina legislature. Those officers having charge over one or more battalions<sup>33</sup> were appointed by the Continental Congress upon the nomination of the North Carolina Legislature. These troops, therefore, if any, should be under Continental control.

Let us follow in some detail the embodiment of these troops, to find out by whom they were embodied, and if by North Carolina upon the order of the Continental Congress, whether the State acted in a spirit of obedience or in one of prudent acquiescence.

On June 26, 1775, the Continental Congress resolved "That in case the Assembly of Convention of that Colony shall think it absolutely necessary for the support of the American Association and safety of the Colony to raise a body of forces not exceeding 1,000 men this Congress will consider them as an American army and provide for their pay."<sup>34</sup> The Provincial Assembly of North Carolina embodied these troops, appointed their officers (September 1, 1775), divided them into two regiments of five hundred men each, subdivided these into divisions, and stationed these di-

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<sup>32</sup> Col. Records of N. C., Vol. IX, pp. 482 and 521.

<sup>33</sup> Journals of Cong., Vol. IV, p. 174.

<sup>34</sup> Col. Records of N. C., Vol. X, p. 40.

visions where they were most needed in North Carolina. In the same act the legislature provided that "The said two regiments, and every of the above divisions, shall from time to time be disposed of as this Congress or the Council of Safety shall direct."<sup>35</sup>

The Assembly of North Carolina, one week afterawrds,<sup>36</sup> declared that these troops should "be kept in pay three months, unless the Provincial Council shall judge it necessary to continue them longer; and the said Council are empowered to disband them at any time before or after the term of three months, when they shall judge that their service is unnecessary."<sup>37</sup> But on November 28th following, the Continental Congress put these two Battalions on pay for one year.<sup>38</sup> North Carolina made no change in the terms of her enlistment and embodied her troops on her own plan. The same overriding of Continental regulations occurred the next year. The North Carolina Legislature had declared (April 27, 1776) that the Continental troops should be enlisted for the term of two years and six months.<sup>39</sup> On September 24, 1776, the Continental Congress resolved that these troops should be enlisted for the "continuance of the war."<sup>40</sup> But to this resolution North Carolina paid no heed. This was not obedience nor was it acquiescence, but rather the natural neglect, it would seem, of a sovereign body to take care that its acts should coincide with the requests and recommendations of a Central Committee.

Eight more battalions were finally put upon the Continental Establishment. The embodiment of the Third to the Sixth of these Battalions may throw additional light upon the attitude of the North Carolina Congress to the Conti-

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<sup>35</sup> Col. Records of N. C., Vol. X, p. 187.

<sup>36</sup> September 8, 1775.

<sup>37</sup> Col. Records of N. C., Vol. X, p. 203.

<sup>38</sup> Col. Records of N. C., Vol. X, p. 338.

<sup>39</sup> Col. Records of N. C., Vol. X, p. 544.

<sup>40</sup> Col. Records of N. C., Vol. X, p. 807.

mental Congress. On January 16th, 1776, the Continental Congress resolved that another Battalion should be raised in the Colony of North Carolina.<sup>41</sup> Acting upon this resolution, the Provincial Congress of North Carolina created, April 9, 1776, not one Battalion, but three and these of 750 privates each, and in addition three companies of Light Horse.<sup>42</sup> The next day the members of the Provincial Congress bethought themselves of the Continental regulations that, including officers, each regiment should consist of 728 men. Nothing daunted, however, they created a fourth Battalion out of the extra officers and privates, and the President of the Assembly cheerfully wrote to the Continental Delegates at Philadelphia: "It is hoped that you will find no difficulty in getting them placed on the Continental Establishment when it is considered that the Colonies of Virginia and South Carolina are in daily expectation of being invaded and that we have therefore very little reason to hope for succour or assistance from either of them."<sup>43</sup> There is in this a spirit of independence that can scarce be reconciled with obedience to sovereign power.

When these Continental forces were needed for military purposes, by what power were they summoned, and, when in operation, by what power were they directed? On October 21, 1775, the Provincial Congress which had already stationed the two Continental Battalions along the coast, ordered them to "oppose to the utmost of their power" the landing of any hostile troops.<sup>44</sup> We have already seen that North Carolina used the First Continental Battalion at Widow Moore's Creek. Other similar uses were made of them. When within the State, then, North Carolina assumed full control of these troops.

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<sup>41</sup> Col. Records of N. C., Vol. X, p. 413.

<sup>42</sup> Col. Records of N. C., Vol. X, p. 506.

<sup>43</sup> Col. Records of N. C., Vol. X, p. 495.

<sup>44</sup> Col. Records of N. C., Vol. X, p. 186.

But what of their control when without the State? On September 3d, 1776, the Continental Congress resolved that "Two of the Continental Battalions be ordered to march with all possible expedition under command of General Moore to reenforce the army at New York." By whom they were to be ordered the resolution did not state but that the execution of the resolution at least was to be left to North Carolina is shown by the following resolution<sup>45</sup> of the Continental Congress (September 16, 1776): "It being represented by the delegates of North Carolina, that, from late accounts, it appears that the situation of affairs in that State is such, that it will be dangerous, if not impracticable, to execute the resolution of Congress of the third instant \* \* \* Resolved that it be left to the discretion of the Council of Safety of North Carolina, to execute or suspend that resolution according as they shall think most conducive to the public service and the safety of their particular State."<sup>46</sup>

On November 16th, 1776, the Continental Congress passed the following resolution:<sup>47</sup> "Resolved that it be recommended to the Convention of North Carolina to station General Moore with the regular troops under his command in such parts of that state or of the state of South Carolina where they will be in capacity to render immediate and seasonable assistance to their friends in South Carolina." The North Carolina Assembly evidently did not consider this as a command of a superior authority directing its own troops, for on November 29th, 1776, following, it put this order into execution in the following words:<sup>48</sup> "In consequence of In-

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<sup>45</sup> Journals of Cont. Cong., Vol. V, p. 761 (Ford ed.).

<sup>46</sup> It is very significant to note that the following clause was stricken out: "Provided, nevertheless, that they shall not have power to stop Brigadier-General Moore from repairing to New York." Is this a tacit confession that North Carolina did have full control even over a Brigadier-General? Does it mean that she could have held the troops and not the officer?

<sup>47</sup> Journals of Cong., Vol. VI, p. 956 (Ford ed.).

<sup>48</sup> Col. Records of N. C., Vol. X, p. 947.



formation from the Continental Congress that a considerable number of Troops and a large Fleet had sailed from New York, and are supposed to be intended against Charlestown, South Carolina, *Resolved*, That General Moore do immediately march with the troops under his command to the Relief of Charlestown without delay." General Moore led his troops as directed and while in South Carolina looked to the North Carolina authorities for direction.<sup>49</sup> That the execution of the orders of the Continental Congress was left wholly to North Carolina we can no longer doubt, and it only remains for us to find out whether or not the State considered herself under obligations to execute implicitly Continental orders.

In the early part of 1777<sup>50</sup> the Continental Congress resolved that all the battalions of Continental troops in North Carolina should join General Washington "as soon as may be" after March 15th.<sup>51</sup> Governor Caswell on February 6th requested General Moore to order three complete regiments to march without delay and join General Washington.<sup>52</sup> General Moore encountered constant delays always reporting to Governor Caswell, never to the Continental Congress, for aid<sup>53</sup> and orders.<sup>54</sup> In time all of the nine Battalions by order of North Carolina authorities reached General Washington. But North Carolina followed her own dictates, ordering them to depart when she wished and in the way she wished.<sup>55</sup> This may have been acquiescence, but certainly it was not obedience.

Even after these Continental Battalions were in Washington's camp they continued to look to the North Carolina

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<sup>49</sup> State Records of N. C., Vol. XI, p. 367.

<sup>50</sup> February 5, 1777.

<sup>51</sup> State Records of N. C., Vol. XI, p. 374.

<sup>52</sup> State Records of N. C., Vol. XI, p. 375.

<sup>53</sup> State Records of N. C., Vol. XI, p. 411.

<sup>54</sup> State Records of N. C., Vol. XI, p. 412.

<sup>55</sup> State Records of N. C., Vol. XI, pp. 579, 614; Vol. XII, p. 131. Follow particularly the new Tenth Battalion.



authorities as the authorities to whom alone their obedience, outside of their immediate field operations, was due. In the first place North Carolina recruited the ranks<sup>56</sup> and punished the deserters. To aid in this, the North Carolina Legislature called upon General Nash or the Commanding officer of the Continental troops to report to the Assembly lists of the different battalions, divisions, companies, parts of companies and names of deserters.<sup>57</sup> It ordered Continental Battalion officers to recruit in North Carolina or to repair to the North as it saw fit.<sup>58</sup> It even abolished superfluous Continental offices although the officers were then under General Washington.<sup>59</sup> That there was need of effective recruiting we may learn from the fact that the nine Continental Battalions, instead of having 6,552 men and officers had 1,385 of whom there were only 655 privates fit for duty.<sup>60</sup> Yet the Continental Congress gave no orders. Her anguish and feeling of helplessness were no doubt reflected in these words written home by the North Carolina delegate, Corn. Harnett: "For God's sake fill up your Battalions, Lay Taxes, put a stop to the sordid and avaricious spirit which infects all ranks and conditions of men."<sup>61</sup>

Not only did the North Carolina Legislature assume full control over these Continental troops while within and without the State, but on May 9th, 1777, vested the Governor, during its recess, with power<sup>62</sup> at his discretion to appoint "officers to fill up all such vacancies as may happen in the Continental armies," and to remove,<sup>63</sup> suspend and censure

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<sup>56</sup> State Records of N. C., Vol. XI, pp. 578-9, 456-7; XII, pp. 9, 10, 59, 60.

<sup>57</sup> State Records of N. C., Vol. XII, p. 33.

<sup>58</sup> State Records of N. C., Vol. XII, pp. 59 and 60.

<sup>59</sup> State Records of N. C., Vol. XII, pp. 48 and 50.

<sup>60</sup> State Records of N. C., Vol. XI, p. 690.

<sup>61</sup> State Records of N. C., Vol. XI, p. 696; Dec. 16, 1777.

<sup>62</sup> State Records of N. C., Vol. XII, p. 99.

<sup>63</sup> State Records of N. C., Vol. XII, p. 93.

any Continental officer that may behave unworthily. It particularly required him from time to time to give such directions respecting the securing and disposal of deserters as he might judge necessary, and further gave him power "To give such orders as he may think necessary for the removal, marching or disposition of the Continental Troops *in this state or any of them.*"<sup>64</sup>

North Carolina, then, embodied at will such state military organizations as she pleased and directed all of them as she thought best, exercising full and sovereign control over them. She embodied in her own way ten Continental battalions which were paid by the Continental Congress through North Carolina treasurer. The Continental Congress recommended by resolution certain military operations for these troops. The execution of these resolutions was left wholly to the State of North Carolina which maintained and exercised full control of the troops, both within and without the State, even to the extent of punishing deserters though they were under the immediate command of General Washington. The Continental Congress in no place asserted definitely that she had sovereign authority over them while North Carolina not only asserted such authority but exercised it. We must conclude, then, that so far as control over her military organizations was concerned, North Carolina was a sovereign and independent State and that Thomas Burke expressed the common attitude of the people of North Carolina toward the Continental Congress, when he said to the General Assembly: "I consider the Congress at present as a general council of America instituted for the purpose of opposing the usurpations of Britain."

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<sup>64</sup> State Records of N. C., Vol. XII, p. 99.



# A SERMON

BY

REV. GEORGE MICKLEJOHN

PREACHED BEFORE

GOVERNOR TRYON'S ARMY AT HILLSBOROUGH

SEPTEMBER 25, 1768

Edited for THE NORTH CAROLINA BOOKLET

BY

R. W. D. CONNOR

Secretary North Carolina Historical Commission



On the important Duty of SUBJECTION to the  
CIVIL POWERS.

A

S E R M O N

Preached before his EXCELLENCY

*WILLIAM TRYON*, Esquire,  
GOVERNOR and Commander in Chief of the  
Province of NORTH-CAROLINA,

AND THE

TROOPS raised to quell the late  
INSURRECTION,

AT

HILLSBOROUGH, in ORANGE County,

On SUNDAY *September 25*, 1768.

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By GEO. MICKLEJOHN, S. T. D.

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*NEWBERN*:

Printed by JAMES DAVIS,

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M, DCC, LXVIII.



DEDICATION.

To

HIS EXCELLENCY

WILLIAM TRYON, *Esquire*,

Governor and Commander in Chief of the  
Province of *NORTH-CAROLINA*.

*SIR,*

THE Kind Approbation with which YOU have favoured this DISCOURSE, is as much an Honour as it is a Satisfaction to me; for which I desire Your Excellency to accept my grateful Acknowledgments: And as You, with many other Honourable Gentlemen, have, in so particularly obliging a Manner, signified Your Desire of seeing it published, I have complied with Your Request; which, indeed, I must own, You put it out of my Power to refuse. I heartily pray GOD it may be attended with those beneficial Effects, which You seem to entertain so much Hopes of: And if it should be instrumental in bringing any to a just Sense of the great DUTY inculcated therein, and a religious Observance of it for the future, My Pleasure would be greatly heightened, by the Happiness I am sensible You will receive Yourself. With My earnest Wishes for Your Excellency's present Felicity, as well as Eternal Welfare, which it will always be a peculiar Joy to Me to promote,

I remain, SIR,

Your EXCELLENCY'S

Ever faithful and obliged

Humble Servant,

*GEO. MICKLEJOHN.*

## A SERMON, &C.<sup>1</sup>

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ST. PAUL'S *Epistle to the ROMANS*, Chap. XIII. Verses  
1st & 2d.

*Let every Soul be subject unto the higher Powers; for there is no Power but of God; the Powers that be, are ordained of God.*

*Whosoever therefore resisteth the Power, resisteth the Ordinance of God; and they that resist, shall receive to themselves Damnation.*

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I AM persuaded, that every one who feels the least regard for the welfare and happiness of his country; and the peace and comfort of his fellow-subjects and countrymen, will look upon the subject as highly proper, and seasonable at this time.

FOR who can reflect upon so many wretched and unthinking men, thus madly attempting to subvert the laws of the kingdom; thus inconsiderately involving friends, relations and neighbours, in the most direful calamity, and foolishly

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<sup>1</sup> Extracts from the Journal of the General Assembly of North Carolina:

Friday, November 18, 1768:

Reed from his Excellency a Written Message by Mr. Edwards relative to, and accompanied with one hundred copies of a sermon preached by the Reverend Mr. Micklejohn before the Troops at Hillsborough, which Message is as follows, (that is to say)

*Mr. Speaker and Gentlemen of the House of Assembly,*

By the particular request of the Reverend Mr. Micklejohn, I desire leave in his behalf to present your House with one hundred copies of a sermon preached before the Troops at Hillsborough. The merit and beneficial tendency of this admirable discourse, gave general satisfaction to all who heard it delivered; a testimony it will undoubtedly receive from every one who reads with attention.

WM. TRYON.

\* \* \* \* \*

bringing upon themselves destruction here, and damnation hereafter;—who can look upon so deplorable a scene, without feeling the most earnest desires, that every such rash and misguided person could be made duly sensible of the dreadful impiety of so daring and wicked an action, as well as of the certain misery that must inevitably be the consequence?

IT is possible this alarming consideration may prevail with some persons, when every other more laudable motive fails of its proper influence; and, it is to be hoped, that a sight of their danger may bring them to a sense of their duty.

Saturday, December 3d, 1768:

Recd from the Council the following Message Vizt

*Mr. Speaker and Gentlemen of the Assembly,*

\* \* \* \* \*

We must also recommend to your consideration the Reverend Mr. Micklejohn who preached to the Troops at Hillsborough printed and dispersed several copies of one of the sermons on the the important occasion.

3d December 1768. In the upper House.

\* \* \* \* \*

Resolved the following Message be sent to the Council, Vizt,  
*Gentlemen of His Majestys Honble Council.*

\* \* \* We do agree that the Treasurers pay the expence of printing those sermons preached by the Reverend George Micklejohn sent to this House by his Excellency this session.

3d December 1768.

JOHN HARVEY Sp.

\* \* \* \* \*

Monday December 5th 1768.

Resolved the following Message be sent to His Excellency the Governor, Vizt,

*To His Excellency William Tryon, Esquire, Captain, General Governor, &Ca,*

SIR,—This House have received your Excellency's Message relative to the Reverend George Micklejohn, with one hundred copies of a Sermon preached by him at Hillsborough, and in his behalf presented by your Excellency to the House, in consequence of which we have Resolved that the Expence of printing the said Sermon be paid by the Public. \* \* \*

5th December 1768.

JOHN HARVEY Sp.

(Colonial Records of North Carolina, VII—939, 976, 983.)

WITH this view, I have singled out the words of the text for the subject of our present meditation: And though I have the pleasure to think I am speaking before those who stand not in need of [2] the admonition they contain, yet I thought it not improper for us to consider the several arguments which enforce this great duty here enjoined; that we may not only be preserv'd stedfast in our obedience to it ourselves, but may be able to convince others of the danger, as well as error of their ways; and keep them, for the future, in the paths of duty and allegiance, from which they have lately so unhappily wandered.

YOU cannot but observe then, in the first place, that this important duty of subjection to lawful authority, is one plain and principal doctrine of Christianity. It is here delivered to the world by an inspired Apostle of CHRIST; by *Him*, whom our LORD, in a vision to *Ananias*, honours with the distinguishing title of "*a chosen vessel to Himself*." He it is, who, thus commissioned from above, gives us, in the name of the most high GOD, this solemn command in the words of the text; to which we are, all of us, both high and low, rich and poor, wise and ignorant, indispensably obliged to pay the highest reverence and regard; and no rank nor station in life, can possibly exempt any one from the strictest obedience to it: For it is directed to all men in general, without any exception—*Let every soul be subject to the higher powers*—and it comes to us by the *Authority* of the same GOD and SAVIOUR, who has given us every other precept that we meet with in holy scripture:—It comes to us from that sovereign LORD OF ALL LORDS, whose name we have the honor to bear; whose subjects we profess ourselves at present; and whose eternal kingdom we hope to become inheritors of hereafter: 'Till men, therefore, have renounced CHRIST, and apostatized from *his* religion—'till they have disowned *his* sovereignty and dominion over them, and given

up all expectations of future happiness from his favour, they must acknowledge themselves bound, by the strongest ties, both of interest and gratitude, to comply with this sacred injunction, no less than with every other command of *his Divine Gospel*.

BUT we may still further judge of the singular importance of this duty enjoined us in the text, from that remarkable stress laid upon [3] it by the great Apostle in several other of his Epistles. When he is delivering his apostolical injunctions to *Titus*, and instructing him in the several branches of his duty as a minister of *Christ*, he gives it him in charge, in a very solemn manner, to put men in mind, to be subject to principalities and powers; to obey *Magistrates*; to speak evil of *no man*; to be no *brawlers*, but *gentle*; shewing all *meekness to all men*. These things, says he, I will that thou affirm constantly, that they which have believed in God, that is, they who have acknowledged the truth of that revelation<sup>2</sup> *he* has made us in the Gospel, might be careful to maintain good works: These things are good and profitable unto men.

AND in the first Epistle to *Timothy*, he carries this request and reverence for the powers that are lawfully set over us, to a still greater height; making it our duty, not only to be subject unto them, but to implore the favour of Heaven upon them, and the divine blessing on their endeavours for the public happiness and tranquility. *I exhort first of all*, says the Apostle, *that Supplications, Prayers, Intercessions, and giving of Thanks, be made for all Men: For Kings, and for all that are in Authority; that we may lead a quiet and peaceable life, in all godliness and honesty; for this is good, and acceptable in the sight of God our Saviour.*

JUDGE therefore in yourselves, my beloved brethren, and beseech others, in the name of God, to consider how dreadful

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<sup>2</sup> In the text, revelation.



a breach of this duty they must be guilty of, who, instead of praying for the safety of our governors and protectors, presume to threaten their sacred persons with violence, to whom God has commanded us to pay the highest veneration, because they derive their authority from *him*.

AND this leads me to a second very material argument, arising from the words of the text, which strongly enforces this duty, and to which it becomes every one seriously to attend: For surely nothing should more fully convince us of our obligation to pay the most ready obedience to this precept of Christianity, than the solemn reason which the Apostle has immediately subjoined: *Let every soul [4] be subject to the higher<sup>3</sup> powers; for there is no power but of God: the powers that be, are ordained of God.*

HAD this precept been delivered to mankind without pointing out to them at the same time, this particularly awful sanction; yet even then our observance of it would have remained indispensable: For when God commands, man is to obey.

THAT God, from *whom* we have received life and breath, and all things, and to *whom* we are indebted for every comfort and blessing we enjoy—that God, upon *whom alone* we are to depend to all eternity, and by *whom* our unalterable fate is to be finally determined;—this great and adorable BEING has an uncontrollable right over *his* dependent creatures, to lay upon them whatever commands *his* wisdom sees proper for them, without being obliged to satisfy them of the reasons for such his sovereign will and pleasure. But in the case before us, you cannot but take notice, in how very different a manner God has been pleased to deal with us; for while he gives us this command by his holy Apostle, he graciously condescends to inform us of those weighty reasons

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<sup>3</sup> In the text, *higer*.



upon which the duty is founded, and which would be most likely to engage us in a religious observance of it.

WE are commanded, therefore, *to be subject to the higher powers*, because the authority they are invested with is from HEAVEN: *The powers that be, are ordained of God!*—They are God's vicegerents upon earth, and instruments in the hand of his providence, for carrying on the grand purposes of protection and government, and for securing the peace and happiness of mankind.

AND though, indeed, they are sometimes unhappily obliged, through the perverseness and wickedness that is in the world, to become *unwilling* avengers, to execute wrath upon every one that doth evil; yet are they, in general, the ministers of God to us, for good, and for the praise and reward of them that do well.

WAS it not for this necessary power which has been committed to them by the ALMIGHTY, every thing must soon be involved in the most dreadful anarchy and confusion. Every man's own will [5] would then be his law; and no language can fully describe those various scenes of misery and horror which would continually arise before us, from the discordant passions and divided interests of mankind. But God, in his infinite goodness, has provided a natural security against all these mischiefs in those different ranks and orders of men, which his wisdom has thought proper should subsist in the world; and in which some are allotted to govern, and others obliged to obey, that so the happiness of the whole community might the more effectually be preserved. And upon these *guardians* of the public and general welfare, God has been pleased to confer a divine authority, to render their persons, as well as ordinances, the more sacred and venerable.

IT is by *him*, therefore, that kings reign, and princes decree justice; by *him* princes rule, and nobles, even all the

judges of the earth: And as it is very beautifully expressed in the book of Wisdom, *power* is given them of the LORD, and *sovereignty* from the *Highest*: To the truth of this important point, we have a greater than *Solomon* bearing testimony; even our blessed Saviour himself; *who*, when *Pilate* was boasting of that power he had over *him*, either to crucify or to release *him*, puts him in mind from whence he had received his authority; and gives him this mild and instructive answer, *Thou couldst have no power at all against me, except it were given thee from above.*

HERE we learn from the mouth of our *Redeemer himself*, whence is derived that dignity and sacredness, which belongs to those who are invested with any public power and office.—Here we behold the God of the universe submitting to that supreme authority *he himself* has conferred upon man; and acknowledging the reverence due to that very power, which was shortly to pronounce the sentence of death against *him*.

BUT we have a still more striking and remarkable instance of submission and respect to the *Civil Powers*, which our blessed Lord, upon another occasion, condescended to shew, and which highly deserves every one's serious attention and regard: It is recorded by the [6] Evangelist St. *Matthew*, in the 17th chapter of his Gospel, that when our Lord was come to *Capernaum*, they who received the tribute money, which was required of every Jew above the age of twenty, demanded of St. *Peter*, whether his *Master* intended to pay it. St. *Peter* very readily engages for his Lord's willing and chearful compliance; as he well knew how exact had ever been *his* observance of every civil, as well as religious duty: But when he came into the house to inform his master of this demand, our *blessed Saviour*, by an easy similitude, leads him to understand, that he had been too hasty in his

promises for *him*; for surely, if the children of earthly princes could plead a freedom from paying any custom or tribute, (as appeared by his own reply to the question our Lord had proposed) much more reasonably might *he* be exempted from it, who was *himself* the *Lord of all things*, and the *Son* of that heavenly *King*, for the service of *whose* temple this particular tribute was paid.—But notwithstanding our Lord might have justly claimed this privilege and exemption; yet, you see, *he* willingly declines it; and, *Least we should offend them*, says *he*, to the Apostle, *go thou to the sea, and cast an hook, and take up the fish that first cometh up; and when thou hast opened his mouth, thou shall find a piece of money; that take, and give unto them for me and for thee*.—What condescension was this in the *Son of God*!—Who but must be struck with admiration at this amazing instance of *goodness*, in thus vouchsafing to work a miracle, rather than not satisfy the demands of public authority; lest, by refusing compliance *himself*, he might countenance others in disobedience and rebellion! And who is there that will presume to offer insult to the powers that are in authority, or shew the least resistance, when he considers how remarkably our Lord was pleased to honour them, by expressing the most cautious fear of displeasing them, and thus wonderfully providing against giving any offence?—In order, therefore, to guard men from incurring the guilt of so heinous a crime, let us, in the third place, briefly consider the dreadful consequences that must attend it.—This the Apostle gives us, in these few, but awful words, *They that*[7] *resist, shall receive to themselves DAMNATION*; not only condemnation in this *world*, but *eternal vengeance* in the *life to come*.—And here again, we cannot but observe, the great importance of this duty of subjection, from that tender care which the goodness of *GOD* has taken to secure our obedience

to it. Some precepts are delivered to us without any particular intimation of the punishment attending our neglect: But this was a matter of so much consequence to the general comfort and happiness of the world, that the *divine wisdom* thought it necessary for us, while we read the sacred injunction, to have before our eyes that future misery which must follow the violation of it: So that, if the love of God, and reverence for *his* commands, should fail to produce this becoming submission, a regard for our own *Everlasting Interest* might possibly prevail.

GOD has, therefore, been pleased, by *his* holy Apostle, to pronounce the sentence of *inevitable perdition upon all those who refuse subjection to lawful power and authority*; as hereby, they not only shew the highest contempt of *his* positive command, but do all in their power to obstruct the gracious designs<sup>4</sup> of *his* providence, for the *good and well-fare of mankind*. So that, upon calm consideration, every one must acknowledge, there cannot possibly be offered a greater insult to *Almighty* GOD, than thus contemptuously to disregard *his* will, and despise those sacred powers whom *he* has ordained and appointed to carry on the best and noblest purposes in the world: And what wonder then is it that so terrible a portion is reserved in store for every such bold and presumptuous offender?—God is represented in scriptures as the *God of Peace*, and *Lover of Concord*; and we are, for this reason, commanded, in another place, to follow peace with *all men*; because, without this, no man shall see the LORD. Every one, therefore shall hereafter be banished from *his* presence and glory who dares to disturb, in the least degree, that peace and harmony; or endeavours, in any respect, to destroy that good order and government, which it is the intention of HEAVEN should be supported in the world.

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<sup>4</sup> In the text, *desings*.

[8] BUT though we were not able to assign any particular reason for this severe judgment mentioned in the text, yet ought it to be a sufficient warning to every rebellious sinner, to find how positively it is there denounced: For what God has so solemnly threatened, *he* will most assuredly inflict.

THESE then are the principal reasons which enforce the duty enjoined by the Apostle; but there are several others, which, if duly attended to, cannot but add considerable weight to the arguments already offered, and which I shall, therefore, beg leave briefly to mention.

LET it be considered then, that resistance to that lawful power and authority which God hath set over us, can never possibly be productive of any thing but the wildest uproar, and most universal confusion; and, in the end, can never fail of being attended with the most shocking and dismal effects.

OF this we would have seen a dreadful and melancholy proof; and God only knows what worse consequences might have ensued, had they not been happily prevented by the good conduct of those brave men, who distinguished themselves as remarkably by their HUMANITY, as by the VALOUR, they shewed on that trying occasion.

TO their courage and intrepidity will ever be due our warmest gratitude and thanks; which, blessed be God, gave so timely a check to the desperate fury of those rash men who were engaged in that execrable attempt; and to their humanity these very men must ever acknowledge themselves obliged, which bore so long and patiently their repeated and exasperating insults, and treated them afterwards with greater lenity than they could reasonably expect; for where one has not fallen, twenty ought to have suffered.

LET every one learn, that outrage and violence can never answer any other end but to spread slaughter and desolation



around us; and to introduce the most wretched scenes of misery and distress: Let them consider further, how impossible it is that any good can ever be brought about by such wicked means; and that tho[ugh] some [9] may only meet the ruin their rashness has sought, yet many others must unavoidably become partakers in the calamity, who were never partners in the crime.

THE consideration therefore of the present misfortunes, in which many of their fellow-creatures must be involved, as well as the future destruction to which others are exposed by such daring acts of rebellion, will naturally restrain every man from uniting in them who has the least spark of humanity and compassion remaining in his breast.

ANOTHER motive which cannot but have great weight with every generous mind, is the reflection that every the least Insult offered to magistrates and governors, is an act of the basest ingratitude against those who are, under God, our protectors and guardians, not only from foreign Enemies, but from every domestic foe: To them we owe our security from all that numerous train of mischiefs to which we should be daily liable, from the corruption and wickedness of the world, if under no restraint from human laws, and unawed by proper authority!—To them are we indebted for the safe and comfortable enjoyment of all the blessings of private life, and all the advantages we derive from civil society!—Were there not some who would take upon them the arduous business of public government, the execution of laws, and administration of justice, how would vice and iniquity every where triumph! And what must become of the welfare and tranquility of every individual, were men left at full liberty to plan their malicious schemes against them, and knew they could safely execute them whenever they pleased? What must become of the general peace and



happiness of the whole community, when fraud and injustice, oppression and violence, with every other crime that is injurious to society, might be perpetrated with impunity, and without controul? How infinitely then are we obliged to those persons who willingly undertake so important a trust, and by whose care, abilities and vigilance, these evils are prevented, and the public felicity preserved? And how very[10] enormous and shocking is the offence, when in the discharge of their laborious office, they are treated with insolence instead of honour, and meet with threatenings instead of thanks!

BUT lastly, there is one remark I have further to make, and which ought to have a peculiar force with the people of this land, in leading them chearfully to that subjection which is represented in the text, as the common duty of all men.—I would beg leave to observe therefore, that for an *Englishman* to oppose the laws of his country, is an instance of the highest folly and contradiction we can conceive: For such is the singular excellence of our happy constitution, that the laws to which our obedience is required, are, in reality, no other than what we ourselves have been partly concerned in making.

ALL men must know, that it is impossible for a whole province to meet together for this important work; and every one, I believe, will acknowledge, that were they so assembled, very few would be found capable of carrying it on: For as the wise son of *Sirac* very justly observes, *How can he get wisdom that holdeth the plough, and that glorieth in the goad; that driveth oxen, and is occupied in their labours; and whose talk is of bullocks? They shall not be sought for in the public council; nor sit high in the congregation; they cannot sit in the judges seat, nor understand the sentence of judgment:* Since therefore, we cannot all be present in this great assembly, wherein the weighty business of public

government is transacted, we have this peculiar privilege, *and a glorious one it is*, of appointing such persons, in whose abilities, understanding, and integrity, we think we may safely confide, to appear for us, in that august assembly; and who are, upon that account, very properly stiled *our representatives*.

IN consequence then of this choice, which we have the liberty to make, and that full power we voluntarily give into their hands; we not only yield our consent before-hand, to whatever laws they may judge it expedient to enact, but may be justly said to have had [11] a principal share in enacting them ourselves; inasmuch as they are framed by their wisdom, and established by their authority, whom we have appointed for that very purpose.

SO that every man, of the most common understanding, if he will allow himself a moment's reflection, may easily see how particularly it is the duty of every one of us, to submit to the laws of his land; and, how astonishing an absurdity it must appear to all the world, if ever we refuse that becoming subjection.

HOW happy would millions think themselves at this hour, who know no other law than the imperious will of some arbitrary prince, could they change situations with us, and taste the singular blessing we enjoy, in being govern'd by the laws we ourselves have made! Let us take care, we set a due value upon this inestimable privilege; lest, if we slight these distinguishing marks of God's favour, and disturb that excellent form of government which his providence has so long preserved among us,—*He* may be provoked to deprive us of it, and bring upon us the misery which such ingratitude would deserve.

I SHALL now briefly sum up what has been said in this discourse, that we may see how many, and powerful, are the

arguments we are furnished with, to engage us in a steadfast observance of this duty, and enable us to convince others of their indispensable obligations to practice it.

YOU find, then, it is a duty which is guarded from violation by all the most sacred and awful sanctions that could possibly be thought of; and bound upon us, by every tie, civil, moral, and divine.—The peace and tranquility of our fellow-subjects and countrymen demand our obedience to it.—The well-being and happiness of society in general, and the comfort and felicity of our dear relations, friends and neighbours in particular, depend upon it; and without our conscientious performance of it, an universal scene of confusion must soon prevail, and all be involved together in the deepest calamity and horror.

[12] LET all such persons therefore who dare to think of engaging in any act of rebellion and disobedience, be intreated to contemplate a little those various and horrible miseries they will unavoidably occasion, and that may possibly deter them from it:—Let them listen to the cries of the disconsolate<sup>5</sup> widow;—behold the tears of the helpless orphan; and consider, how they will be able to endure the sad upbraidings of those miserable mourners, who may justly take up against them the lamentation of the prophet *Jeremiah*: *Is it nothing to you, all ye that pass by? behold, and see if there be any sorrow like unto my sorrow, which your rashness and iniquity have brought upon us!*

BUT particularly let them remember, that the blood which may be shed by their means, will hereafter be required at their hands; and that every one of those unhappy souls who shall be brought to an untimely end through their evil counsels and wicked instigations, and sent into another world with all their sins about them, will rise up in judgment

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<sup>5</sup> In the text, disconlate.

against them at the last day, and call for tenfold vengeance on their devoted heads.

LET them be farther put in mind, that gratitude to those who afford us a peaceful security from every ill, should engage us in a steady adherence to this duty, at all times and upon every occasion: Should lead us to return obedience for protection, and repay the kind exertion of their abilities and endeavours for the public happiness, with the easy tribute of reverence and affection.

BUT some men may have neither humanity nor generosity enough in their tempers, to be affected by such considerations as these. To them therefore we must open the sacred page, (which, perhaps, they have never before looked into) and point out the solemn and positive command of God enforcing this great duty; and tho[ugh] they may not regard an earthly potentate, yet surely they will stand in awe of the MAJESTY of HEAVEN: Or, as holy *Job* emphatically puts the question: *Shall not HIS EXCELLENCY make them afraid? and shall not His DREAD fall upon them?*—Shew them, moreover, [13] the foundation upon which the reasonableness of this duty is supported: Tell them, that obedience to the civil powers is required of us, not only because God has commanded it, but given us also this very solemn reason, enforcing that command;—that they were instituted and ordained by Himself. When they read therefore, that there is no power but of God, beseech them seriously to consider how detestable they must render themselves in His sight, who, instead of submitting<sup>6</sup> to every ordinance of man for the Lord's sake, (as we are taught by another Apostle, is our bounden duty) dare to rise up themselves, and compel others to unite with them, in opposition to any law that has been legally established; or to obstruct the ministers

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<sup>6</sup> In the text, sumitting.

of justice in the execution of that high office they are obliged by oath to discharge, and which has been derived to them from the authority of the *Almighty* himself.

NOTHING, one would think, could so effectually strengthen our obligation to the duty of subjection, as this single consideration, that whosoever resisteth the power, resisteth the ordinance of God; and that every such wicked and desperate attempt is not only treason against an earthly sovereign, but rebellion against the most high God.

AS a farther motive to this duty, and because example is more prevailing than precept, bid them turn their eyes upon the meek and blessed Jesus, and behold him in that gracious and condescending act of submission, I mentioned in the former part of this discourse.—Ask them, if they are not sensible, that He who could feed five thousand men with a few loaves and fishes, could have supported millions with the same ease, to have protected him from the resentment of the civil powers, if he had thought fit to have made the least opposition? But instead of shewing resistance, we behold Him here manifesting the most tender concern and regard for the support of their authority; and by that miraculous method he took to pay obedience to it, convincing mankind of the necessity and importance of this great duty.

SHALL man then presume to refuse that submission which God himself has thus condescended to pay? This amiable pattern we [14] have before us in the person of our great *Redeemer*, ought to have an irresistible influence upon all who call themselves by *his* name; and was, no doubt, intended for our imitation by that gracious Being, who came from HEAVEN with this peculiar design, to leave us an example that we might follow his steps.

FINALLY, whereas the more various and powerful the motives are, which enforce any duty, so much more aggra-



vated will be the crime which leads us to break through them: Oh! beseech them therefore, in the pathetic words of *St. Peter*, to repent of this their wickedness; and pray God, if perhaps the thought of their heart may be forgiven them. This repentance and contrition, if accompanied with future obedience, may not only procure them pardon at an earthly tribunal, but when they come to stand before the judgment seat of CHRIST, will be one means of their obtaining mercy from the Lord in that day, and escaping the vengeance which will otherwise fall upon them. And this leads me to the last motive we have, to enforce their observance of this Christian duty enjoined in the text; the consideration of that eternal misery denounced against those who neglect it.

IF men have no love for their country; if they have no regard for the peace and happiness of those around them; if they have neither humanity nor compassion; neither gratitude nor generosity in their breasts; if they have no veneration for their king, nor reverence for the best constitution in the world; yet they must have some affection for themselves: And though they may despise the commands of GOD, and the example of a SAVIOUR, yet they cannot disregard their own everlasting welfare. This motive then may possibly bring them to repentance, and a better mind, when every other has failed of its influence; and let us not omit incessantly, and importunately, to urge it upon them.

WARN them of the certain perdition they must inevitably bring upon themselves; and exhort them to consider in time, how fearful a thing it is to fall into the hands of the LIVING GOD! Tell them our God is a consuming fire to such workers of iniquity, and able [15] to destroy both body and soul for ever; and bid them therefore remember, that though they may escape from the sword of justice in this life, they cannot escape the DAMNATION OF HELL.



MAY the good grace of God preserve us at all times from falling into the like crime, that we may never incur so dreadful a condemnation. And as we of this land are peculiarly blessed at this time with one of the most amiable and excellent Governors that ever adorned a province, who has given us his *promise*, that the felicity of his people shall ever be his principal care; let it be our perpetual study and delight, by every means in our power, and particularly by all dutiful submission to *him*, and *those* whom *he* shall set over us, to render *his* government as peaceful and happy to our affectionate SOVEREIGN, as he will endeavour to make it to us his grateful subjects.

SO shall we secure the blessings of Heaven on ourselves and our posterity; and whenever we are removed out of this troublesome world, shall become members of that blessed kingdom, where universal peace and love, and uninterrupted concord and harmony, will reign for ever and ever. *Amen.*

## BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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COMPILED AND EDITED BY MRS. E. E. MOFFITT.

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### R. D. W. CONNOR.

Robert Diggs Wimberly Connor, the author of the sketch of John Harvey, which appears in this number of the BOOKLET, is fast coming to the front, among that class of writers trained to the work of investigation and is now devoting himself largely to historical research. As Secretary of the North Carolina Historical Commission he is discharging his official duties with credit to himself and honor to the State. A biographical sketch of him may be found in the BOOKLET, January, 1907.

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### CLYDE L. KING.

Clyde L. King, born May 1, 1879, at Burlington, Kansas, is the son of Peter and Sarah (Taliaferro) King; graduated from Kansas State Normal, Emporia, Kansas, 1904; Michigan University, 1907, A.B.; 1908, A.M.

He had a teaching experience three years before entering Kansas Normal Schools, Mound City, Kansas, then resigned in order to enter Michigan University in the fall of 1905. In the summers of 1905 and 1906 he was Instructor in the Teachers' Institutes in different counties in Kansas. During the summer of 1907 he served as Instructor in the Department of American History in Kansas Normal College at Emporia (a college course having been added since 1906 to this institution). He was elected as Fellow in American History, 1907-'08, in Michigan University and was called upon to act as "quizmaster" in one of the American History courses.

Mr. King is a member of the Kansas State Historical As-

sociation and the American Historical Association. He belongs to the University societies, but is more interested in the "Acolytes", a Philosophers' Club of the University, and he prizes his membership in this club more than any other.

In 1907 Mr. King was elected Assistant in the Department of American History and Government in the Kansas Normal College, and after his election he was granted the "Honorable Peter White Fellowship" for 1908, when he asked and received a leave-of-absence from the Kansas position in order to profit by a year's study as Fellow in Michigan University; after which he returns to the position in the Normal College in June. Recently he has passed successfully the examination for the Master's degree.

It will be seen that Mr. King's course of study has brought him in intimate relation to North Carolina history and his article in the present number on the "Military Organizations of North Carolina during the American Revolution" will be hailed with much interest by the readers of the BOOKLET. This carefully prepared treatise is collated from approved official and documentary *data* and adds another valuable monograph to the BOOKLET's collection, which will be the more appreciated as coming from a citizen of a distant State.

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#### MARSHALL DE LANCEY HAYWOOD.

Marshall De Lancey Haywood was born in Raleigh, North Carolina, on March the 6th, 1871. He is the son of Dr. Richard Bennehan Haywood (1819-1889), an eminent physician, at one time a surgeon in the service of the Confederacy; and he is of New York ancestry on the maternal side, his mother, whose maiden name was Julia Ogden Hicks, being connected with some of the first families of her native State.

Mr. Haywood is the grandson of Sherwood Haywood

(1762-1829), a man who was venerated and affectionately beloved in private life and highly honored as a man of sterling integrity. He was among the earliest settlers of Raleigh.

This Sherwood Haywood was a son of Colonel William Haywood, and a nephew of Lieutenant-Colonel Sherwood Haywood and Major Egbert Haywood—all patriots of the Revolution, and sons of Colonel John Haywood, who was member of the Colonial Assembly, Treasurer of the Northern Counties of the Province, Commissioner of Coast Fortifications, etc., prior to the Revolution. Sherwood Haywood, of Raleigh, already mentioned, married a sister of Governor William Hawkins, and a daughter of Colonel Philemon Hawkins, Jr., who—like his father, Colonel Philemon Hawkins, Sr.—was an officer in the Revolution.

Through his mother, Marshall De Lancey Haywood is lineally descended from Robert Hicks, who settled at Plymouth, Mass., in 1621; John Hicks, of the Colonial Assembly of New Amsterdam; Lieutenant Colonel Thomas Hicks, High Sheriff of Queen's County in the Colony of New York; Lewis Morris, of Morrisania Manor, Chief Justice of New York and first Governor of New Jersey; Attorney-General James Graham and Surveyor-General Augustine Graham, both of the Colony of New York; and Major John Graham, of the Second New York Continental Regiment. Through the wife of the last named, Mr. Haywood is also descended from the historic Ogden family of New Jersey.

Marshall De Lancey Haywood early evinced a love for letters, and his experience as Clerk in the Attorney General's office and as local editor of a daily newspaper, led him into a broader field of literature of a higher and more substantial character. When twenty-nine years old, he entered Johns Hopkins University and took a special course as a student of history. On returning to his State in 1901 he became As-

sistant State Librarian; following this he was appointed Librarian of the State Agricultural and Mechanical College. All of these positions he filled with credit, besides the benefit of becoming conversant with standard works and particularly in that line of literature bearing on the history of his State. He has collected books and pamphlets bearing on the history of North Carolina and also owns a most valuable collection of book-plates, engraved portraits, and autographs.

With a patriotic ancestry, and rare opportunities for studying old and forgotten lore, Mr. Haywood has devoted much time to the service of the Society of Sons of the Revolution in North Carolina and is Secretary of the organization, the object of which is to preserve and perpetuate the memory of the War for Independence, devoting surplus funds to the painting of portraits of eminent men who have cast luster on the State, and to similar patriotic purposes.

Mr. Haywood was elected an honorary member of the Society of the Cincinnati in the year 1897 and is now its Secretary. He is equally interested in the United Sons of Confederate Veterans, having served on several of the committees of that organization.

To the Masonic Order he is devoted, and was chosen Historian of the Grand Lodge of North Carolina. His book on the "Beginnings of Freemasonry in North Carolina and Tennessee" has given great satisfaction and has received much applause.

He is the author of numerous other historical sketches, notable among them a book entitled: "Governor William Tryon and His Administration in the Province of North Carolina." Mr. Haywood has been an important factor in the life of the BOOKLET, and has contributed the following articles: "Governor Charles Eden" (1673-1722), Vol. III, December, 1903; "The Genesis of Wake County," Vol. V,

July, 1905; "John Lawson"—the Colony of North Carolina's earliest Historian—(—1711), Vol. VI, April, 1907; "The North Carolina Peace Society, 1819-23," Vol. VII, April, 1908. This last mentioned article comes in opportune time, when the Hague Tribunal, Carnegie Peace Endowment, and general efforts to substitute arbitration for force of arms, are claiming the attention of the world, looking forward to that brighter day when the nations shall learn war no more.

At present Mr. Haywood has in preparation a work dealing with the lives of Bishops of the Protestant Episcopal Church in the Diocese of North Carolina, running down to the division of the Diocese—this including sketches of Bishops Ravenscroft, Ives, Atkinson, and Lyman.

Mr. Haywood's devotion to historical research, his painstaking industry and literary ability led to his selection as one of the editors of the "Biographical History of North Carolina From Colonial Times to the Present," which is to be completed in ten volumes. The name of Capt. Samuel A'Court Ashe as editor in chief is sufficient to attest the high merit of this work. It is published by Charles L. Van Noppen, a bookman of established reputation. The sketches in this publication represent the best work of some of the best writers of the State; the result is meeting with the highest commendation and the BOOKLET adds its voice to the general verdict—that "the publication is of great excellence and of equal merit with the historical productions of the best American authors." Up to the present time Mr. Haywood has written more than one hundred sketches for that work.

Through a series of steady successes Mr. Haywood is daily adding to his reputation as a writer of history. An interesting sketch of his life, with portrait, may be found in Volume VI of the Biographical History, by Capt. S. A. Ashe, to whom the editor is indebted for the facts set forth in this sketch.



## ABSTRACTS OF WILLS.

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FROM SECRETARY OF STATE'S OFFICE.

Will of Adam Gambell, of Glasgow, Scotland; Nov. 14, 1694.—John Land, living in London; Adam Hill, in London; John Argy, in France; Robert, Thomas and John West, sons-in-law of Thomas Pollock; John Hunt, brother James Gambell, of Glasgow; Thomas Pollock and John Hunt, Exrs. Test: Henel Gregory, Elizabeth Hunt, W. Lynch.

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Will of Thomas Gough, Dec. 18, 1794.—Son Robert, daughter Sarah, wife Sarah, whom I appoint Exx. Test: Anthony Dawson, John Williams, Juliana Taylor.

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William Flovell, Newton, New Hanover. Dec. 8th, 1737; Meh. 1, 1737-8.—Two hundred pounds to be paid by my executors in six months, to build an English Church in Newton, and my pew in the English Church of Charlestown to be sold and the amount laid out for "Communion Plate" for the said Church in Newton: niece Elizabeth Colleton, now wife of George Colleton, of South Carolina; Uncle William Hale, late of Nassau, New Providence; William Roper, Elizabeth Colleton, Rufus Marsden, John Davis and Jos. Wragg, Exrs. Test: Roger Rolfe, Mich. Higgines, Armand deRossett, M. D.

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Mary Glaister, Pasquotank. 9th day, 4th month, 1740; Oct. Court, 1740.—Cousin Henry Palin, son of Thomas, decd.; cousin Thomas Palin, cousin Ann Riding, daughter of Thos. Palin, decd.; cousin Mary Glaister Palin, daughter of Thos., decd., and cousin Mary Palin, daughter of John, decd.; John Palin, son of John, decd.; cousin Sarah Palin, cousin Susannah Pritchard, daughters Sarah Honeycutt and

Ruth Scott; Elizabeth Scott, daughter of Stephen, Mary Joans, Mary Morris, Sr., Sam'l Newby, son of James, Hannah Stafford, Sarah Martin, wife of Nath'l; friend Thomas Pritchard, cousins Sarah Palin and Mary Clark, Exrs. Test: David George, John Henby and Joshua Scott.

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Dr. John Gourley, Onslow, Jan'y 2d, 1746-47; Jan'y 7th, 1747-48.—Mother Elizabeth, if alive; brother George Gourley, sisters Grizzle and Mary, Sam'l Johnston Exr: £40 (pounds) to buy Bibles and New Testaments for the poor children on New River; nephew John Gourley. Test: James Glenn, Geo. Coheenaw.

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Gordin, Nath'l; July 14, 1755; Jan'y Court, 1756.—Son Nathaniel, daughter Tamer, son George, daughters Elezele and Elizabeth; wife Amy, Exx. Test: Thomas Bartlift, Emanuel Davis.

---

John Haywood, Edgecombe. Feb'y 18, 1758; June Court, 1758.—My father, sisters Deborah and Mary, brothers Egbert and Sherwood. Test: Robert Wasson, Joseph Pope, Samuel Pittman.

---

John Jacob Horn, Craven. Feb. 4th, 1744; Nov. 20, 1744, Wife, sons Jacob, Henry and Samuel, daughters Mary and Elizabeth Slabbach, daughter Margaret; wife Mary Magdalene and Nicholas Purefoy, Exrs. Test: John Grnade, Jas. Wilcox.

HELEN DEB. WILLS,  
*Historian and Genealogist.*

# Some Booklets for Sale

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- "Colonial New Bern." Sarah Beaumont Kennedy.
- "Greene's Retreat," Prof. Daniel Harvey Hill.

## Vol. II

- "Our Own Pirates," Capt. S. A. Ashe.
- "Indian Massacre and Tuscarora War," Judge Walter Clark.
- "Moravian Settlement in North Carolina," Rev. J. E. Clewell.
- "Whigs and Tories," Prof. W. C. Allen.
- "The Revolutionary Congresses," Mr. T. M. Pittman.
- "Raleigh and the Old Town of Bloomsbury."
- "Historic Homes—Bath, Buncomb Hall, Hays," Rodman, Blount, Dillard.
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- "Social Conditions in Colonial North Carolina," Col. Alexander Q. Holladay, LL D.
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- "North Carolina and Georgia Boundary," Daniel Goodloe.

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- "Convention of 1788," Judge Henry Groves Connor
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- "First English Settlement in America," W. J. Peele.
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- "Changes in Carolina Coast Since 1585," Prof. Collier Cobb.

Vol. VIII.

OCTOBER, 1908.

No. 2

*The*  
NORTH CAROLINA BOOKLET

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*"Carolina! Carolina! Heaven's blessings attend her!  
While we live we will cherish, protect and defend her."*

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Published by  
THE NORTH CAROLINA SOCIETY  
DAUGHTERS OF THE REVOLUTION

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The object of the BOOKLET is to aid in developing and preserving North Carolina History. The proceeds arising from its publication will be devoted to patriotic purposes.

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# THE NORTH CAROLINA BOOKLET.

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Vol. VIII

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No. 2

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## THE CONVENTION OF 1835.

BY HENRY GROVES CONNOR,

One of the Associate Justices of the Supreme Court of North Carolina.

The Convention which met in Raleigh, June 4, 1835, was one of the "Great Events in the History of North Carolina." It was the result of a long, sectional controversy which had divided the people of the State for more than fifty years, growing out of the Constitution of 1776.

At the Provincial Congress of April, 1776, the question of forming a Constitution was considered and a committee was appointed to draft one, but the delegates could not agree on a plan and the matter was postponed until the next session. The next Congress met, at Halifax, in November, 1776, and the delegates to it were elected with special reference to the adoption of a Constitution. In some of the counties full instructions were drawn up and given by the people to their delegates in respect to those particular points on which they were to insist in the formation of the Constitution. William Hooper, a delegate to the Continental Congress, addressed a letter to the Convention giving his opinion, in regard to the proposed Constitution. Among other things he strongly urged that the Legislature should be composed of two branches, saying: "A single branch of legislation is a many-headed monster which, without any check, must soon defeat the very purpose for which it was created, and its members become a tyranny, dreadful in proportion to the numbers which compose it." At the opening of the Congress, November 12, 1776, a committee, composed of the ablest men in the body, was appointed to report a "Bill of Rights" and "Constitution or



Form of Government." When this report came in it was "debated, amended," passed its several readings and adopted on its third reading.<sup>1</sup> It would be interesting to read the discussions of the delegates, some of whose letters and other writings have been preserved, that we might see what their views were in regard to the making of a written Constitution.<sup>2</sup> The vote by which the report of the committee, with the amendments thereto, was adopted, is not given in the Journal of the Congress, but it is certain that there were wide divergencies of opinion among the delegates upon the most important phases of their work. While in its general provisions the Constitution is a model in style, clearness and adaptability to the conditions existing, like all things human, it was, in some respects, imperfect. It is probable, however, that but few changes would have been made for many years, but for the basis upon which representation in the Legislature was fixed. The Constitution as adopted, allowed each county one senator and two members of the House of Commons. The State at that time was divided into thirty-five counties, twenty-nine of which were east of the present capital. Six borough towns were permitted to send one representative each to the House of Commons, and this privilege was afterwards [1789] extended to Fayetteville. It was based upon the theory that by reason of the trade and commerce in which they were engaged these towns had interests peculiar to themselves which entitled them to representation. The qualifications of a senator differed from those of a member of the House of Commons only in regard to the number of acres of land which he was required to own. Both were to be freeholders. An elector was required to be a freeholder in order to vote for a senator, while to be a freeman, if his taxes were

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<sup>1</sup> Colonial Records of North Carolina, X 974.

<sup>2</sup> Much light is thrown on the subject in McRee's "The Life and Correspondence of James Iredell".

paid, entitled him to a vote for a commoner. It was provided that the Legislature should consist of two branches, but there is nothing in the Constitution suggesting that representation in the Senate was based upon wealth, and in the House of Commons upon population. It is probable that it was deemed wise, in the conditions then existing, to make only such changes as were necessary to organize the State government. While the statesmen of that time were laying the foundations of States, based upon the sovereignty of the people instead of the Crown, they wisely avoided making radical changes in matters of administration. They were State-builders rather than scholastic theorists discussing abstract "rights of man," and were not seeking to cut loose from, but rather to build upon the experience and lessons of the past. They were familiar with the principles of English Constitutional liberty and the rights secured by Magna Carta, and other guarantees of liberty, including the common law. It was because these rights and liberties guaranteed in their charter had been denied to them, that they separated from the Mother Country. The "Bill of Rights" and "Form of Government" were not adopted hastily or without consideration.

So soon as the War for Independence was over and the State began to increase in population, friction arose between the larger counties which were being formed in the central and western parts of the State and the smaller counties in the east. As population moved westward there was a demand for the formation of new counties in the west which was met by a counter demand for a corresponding increase in the east, without, however, there being any such increase in population. The East, upon the basis of county representation, held controlling power in the Legislature and refused to permit any amendment to the Constitution. The question, originally one of political power, soon became, because of increased interest in improved modes of transportation and other internal

improvements, one of industrial and commercial importance. The East, content with its waterways, slave labor, and the produce of its rich soil, cleared into large plantations, opposed State aid to schemes for internal improvements. Judge Murphey originated a movement for improved methods of transportation, "by deepening the inlets from the ocean, opening the rivers for navigation, connecting them by canals, and constructing turnpikes or macadamized roads, so as to concentrate all the trade at two or three points within the limits of the State." The plans of this wise, far-seeing statesman and of those coöperating with him, were changed and given a new impulse by the invention and introduction of the locomotive engine and railroad for transportation and travel. Other States embarked in the construction of canals, and the building of railroads, whereas North Carolina, with no large cities, no canals or other modes of transportation, and no manufactories, made but little progress in industry, wealth or population.

It is not difficult to see that these conditions not only intensified the complaints of the West, regarding the distribution of power, but created a positive antagonism of interest between the two sections. For many years the East successfully resisted every demand for a change in the Constitution, or compliance with the demands of the West for internal improvements, which became more pronounced each year. In 1821 resolutions were introduced in the House of Commons by Charles Fisher, of Salisbury, declaring "that the representation of the people of this State, in both branches of the Legislature, under the Constitution, was greatly unequal, unjust and anti-republican; that the Constitution ought to be so amended that each citizen should have an equal share in the right of representation upon the principle of free white population; that a Convention, therefore, should be called to amend the Constitution." The debate on the resolutions clearly

marked the line of division. It was ably conducted and at times aroused much bitterness of feeling. The western members showed that thirty-three counties, containing one-third of the free white population, sent ninety-nine members, being a majority in each branch of the General Assembly; thus one-third of the white population controlled the law-making department, and, as the Constitution then provided, elected the Governor and other executive and the judicial officers. If the representation had been based upon population Rowan County would have been entitled to send *nine*, and Orange *seven* members, whereas they sent only six, two senators and four representatives. Six eastern counties, with about the same population, sent eighteen members. Twelve eastern counties, with a population of 38,037, sent as many members as the same number of western counties, containing 156,726. The State, at that time, contained sixty-two counties.<sup>3</sup> The resolutions were defeated in the House by a vote of 81 to 47, while in the Senate they were rejected, without discussion, by 36 to 23. Meetings were held by the western people, "addresses" were sent out, and continued agitation kept up for a Convention. At the session of 1831 resolutions were introduced by Mr. Whitaker, of Macon, calling a Convention for the purpose of amending the Constitution, and after a full discussion were defeated by a vote of 69 to 56. It is not difficult to see that, in a government based upon the consent of the people, discord and dissension would continue until some change was made. The State government was developing into an aristocracy based upon county representation without regard to the right of the majority of the people to make the laws under which they lived.

In 1831 the State Capitol was burned. The question of rebuilding was complicated by a movement to make Fayetteville the capital. Of course the old controversy in regard to

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<sup>3</sup> Debates of 1821.

amending the Constitution came to the front and entered into the discussion. The people of the State were divided in sentiment, mainly along sectional lines, involving sectional feelings and interests. The divisions, and their combinations are thus set forth in a letter from a member of the General Assembly:

"We are distracted—rent asunder, by factions, and the result of the legislative discussions and dissensions will be (I fear) that we shall separate in anger, after having proved most unprofitable servants. There are five parties here. The largest—but it does not quite constitute a majority—is for rebuilding the capitol and is opposed to a Convention in every form. This may be termed the Eastern party. The next, in point of magnitude, is the Western party—they want a reconstruction of our Constitution with respect to political power and want no more, but will either keep the government at Raleigh or remove it to Fayetteville, as the one or the other will favor their great end. The third, in point of size, is the Fayetteville party; their main object is removal—but they are willing, also, to go for a general Convention. The two others are of about the same magnitude—the Northwestern and Southwestern parties. The former want a modification of the Constitution, but are utterly opposed to a removal, and the latter want a removal, but resist alterations of the Constitution."

The outcome of this somewhat complicated condition was the rebuilding of the capitol at Raleigh, followed at the session of 1834, after an unsuccessful effort to make amendments to the Constitution by submitting them directly to the people, by the passage of an act submitting to the people the question of calling a Convention.

The act provided that, if a majority of the votes cast were for "Convention," elections were to be held in the several counties for the election of delegates, each county sending



two. The act further provided that only such amendments as were named therein should be submitted. The Convention was *directed* to form and submit an amendment providing for the election of not less than thirty-four, nor more than fifty senators, to be elected by districts, which were to be established on the basis of the amount of taxes paid into the public treasury; and not less than ninety nor more than one hundred and twenty members of the House of Commons distributed among the counties on the basis of the "Federal population," *i. e.*, of all free men and three-fifths "of all other persons," excluding Indians, not taxed. Each county, however, was to have at least one member. This basis of representation was adopted by the General Assembly as a compromise. At that time the State contained sixty-five counties and seven borough towns, making the total number of senators and members of the House two hundred and two. The Assembly met annually. Other amendments, in the discretion of the Convention, might be submitted. The most important of these were: whether borough representation should be abolished, or restricted; whether the right of free negroes to vote should be abolished or restricted; whether the Governor should be elected by the people and for what term; whether there should be biennial sessions of the General Assembly; whether the capitation tax on free whites and slaves should be equal throughout the State; whether the salaries of Judges should be decreased during the term for which they had been elected, and whether they should be eligible to any other position while retaining their judicial office, except the Supreme Court Bench; whether, in the election of officers, members of the Legislature should vote *viva voce*; and finally, whether the 32d Article should be amended. Each delegate was required to take an oath, prescribed by the act, to observe these limitations.

The proposition to call a Convention was approved by a



vote of about 27,000 out of 49,224. This, according to Governor David L. Swain, was, with one exception (the election of 1828), the largest vote cast at any election in this State. He also stated that he did not think that the population of the State had increased between 1830 and 1835 so much as three per cent, and was not sure that it had increased at all. As a general rule the counties sent as delegates their ablest and most experienced citizens. Warren sent Nathaniel Macon, who, after a long and distinguished service in both branches of the National Congress, had voluntarily resigned in 1828, and retired to private life. His associate was Weldon N. Edwards. From Buncombe came Governor Swain; from Burke, Burgess S. Gaither and Samuel P. Carson; from Caswell, Calvin Graves; from Cumberland, Judge John D. Toomer; from Granville, R. B. Gilliam and Josiah Crudup; from Guilford, John M. Morehead; from Lincoln, Bartlett Shipp; from Richmond, Alfred Dockery; from Rockingham, E. T. Broadnax; from Rowan, Charles Fisher; from Wake, Judge Henry Seawell; from Wilkes, James Wellborn and Edmund Jones; from Craven, Judge William Gaston and Richard D. Spaight; from Greene, Jesse Speight; from New Hanover, Owen Holmes; from Washington, Josiah Collins; from Sampson, W. B. Meares; from Martin, Asa Biggs; from Edgecombe, Louis D. Wilson; from Halifax, Governor John Branch and Judge Joseph J. Daniel; from Perquimans, Jesse Wilson; from Pasquotank, John L. Bailey; from Chatham, Hugh McQueen; from Chowan, J. B. Skinner; from Bertie, David Outlaw; from Hertford, Kenneth Rayner; from Cartaret, James W. Bryan; from Cabarrus, Daniel M. Barringer; and from Lenoir, Council Wooten.

These citizens had won at that time, or thereafter won distinction in the service of the State and Nation. They and their colleagues constituted a strong, patriotic body of men, who recognized the importance of the work to which they

were appointed, and approached it with a determination to remove from the Constitution the source of discord and dissension. Macon was unanimously elected President; E. B. Freeman, Principal Clerk, and Messrs. Gales and Son, Printers. The question was raised regarding the power of the Legislature to impose limitations upon the delegates representing the people, or to prescribe a form of oath to be taken by them. This objection was disposed of by the pertinent suggestion that the people had, by adopting the act as their own, themselves prescribed the limits within which the delegates were to submit amendments. The Convention decided to discuss proposed amendments in Committee of the Whole before final adoption. It is impracticable, within the limits of this paper, to give more than the outlines of the debates on the most important amendments.

The first question discussed was a proposition to abolish borough representation. The debate took a wide range and gave indications of the views of the delegates upon other questions which were to engage the attention of the Convention. Judge Gaston favored retaining the right of the borough towns to send representatives, and gave an interesting account of the origin of the right, and the reasons upon which it was based. Mr. Smith, of Orange, opposed retaining them, as did Mr. Fisher and several others representing counties which contained borough towns. A number of delegates took part in the debate. Governor Swain, although from the extreme west, from which there were no such representatives, noticed that the votes of the borough members had joined with the West in calling the Convention. He said: "The united vote of the borough members was the *fiat* which called this Convention into existence, and their constituents were the only aggregate portions of eastern communities that sustained the measure. Are they to be immolated upon the Altar of their own patriotism?" In this speech Governor

Swain outlined the policy of the western people. Internal improvements, education, general progress in the development of the resources of the State, and encouragement to immigration were the purposes of this strong, patriotic leader from the mountains. His speech drew fire from Mr. Macon, and the lines were soon drawn. Mr. Macon said that he could go hand in hand with the gentleman from Buncombe as regarded education, but he differed with him in his notions about internal improvements. He doubted the capacity of North Carolina to become a great commercial State, but they could diffuse the blessings of education and become a virtuous if not a great people. The opponents of borough representation were in the majority, and passed the amendment abolishing it. As the principle of representation based upon population was to be engrafted into our Constitution, the action of the Convention was logical and doubtless wise. To have retained it would have been a source of dissension outweighing its advantages.<sup>4</sup>

The Convention next discussed the proposition to deprive "free persons of color" of the privilege of voting. Judge Daniel favored giving to each of them the right to vote for members of the House of Commons provided he owned a freehold estate of \$250. In an interesting speech he traced the origin of the privilege which they had enjoyed, which he thought was useful to them as a means of protection and a stimulant to good behaviour, because it gave them a status which appealed to their pride and manhood. He did not think that the right to vote was secured in the Bill of Rights. That embraced only free white men. He had observed that they uniformly voted for men to represent them of the best character and talents. Mr. Macon was utterly opposed to any free person of color having the right to vote. He did not

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<sup>4</sup>Nash: "The Borough Towns of North Carolina," in THE NORTH CAROLINA BOOKLET. Vol. VI. No. 2.

think they ever had such right under the Constitution of 1776. Mr. Crudup, a man of great wisdom and large views, wished to see these people raised from their present degradation, but did not think giving them the right of suffrage would do so. His remarks upon this, and other subjects before the Convention, were conservative and well considered. Mr. Gaston did not think it wise to make any change in the Constitution in respect to these "unfortunate people." If they had not enjoyed this privilege they would not at that time aspire to it. "The hardship," he said, "lay in depriving them of what they had been in the enjoyment of. \* \* \* Let them know that they are a part of the body politic, and they will feel an attachment to the form of government and have a fixed interest in the prosperity of the community, and will exert an important influence over the slaves." Mr. Wilson, of Perquimans, did not believe "free blacks qualified to vote." He gave expression to the opinion then held by many Southern men. He said that he had heard almost everybody saying that slavery was a great evil. He believed it was no such thing, but thought it a great blessing to the South. Our system of agriculture could not be carried on in the Southern States without it. The Southern people might as well attempt to build a railroad to the moon as to cultivate their swamp lands without slaves. It is interesting to note that Mr. Wilson thought there were, at that time, about five hundred and seventy-five "free persons of color" voting in Halifax and several neighboring counties. He feared that "if we foster and raise them up they will soon become a majority and we shall have negro justices, negro sheriffs," and other negro officials. The western men took no part in the discussion, leaving the question to be settled by the eastern delegates, and the amendment depriving negroes of the privilege of voting was adopted. Branch, Daniel, Gaston, Rayner, Toomer, Holmes, Seawell from the East, and Swain, Carson,

Morehead with others from the West, voted in the negative. How little the wisest know of the operations of the industrial, political and social forces, and what disturbances they work in the "nice adjustments" of human governments.

Having disposed of these "side issues," the Convention grappled with the paramount issue, the question which had disturbed the peace and retarded the growth of the State for more than a generation. The proposition submitted to the Convention was that the Senate be composed of fifty members. This was easily decided in the affirmative with but little debate.

The next proposition, that the House of Commons be composed of one hundred and twenty members, met with opposition from Mr. Speight, of Greene, who saw in this number a majority from the West with internal improvements, railroads, and all manner of evils for the East. He was of the opinion that to make a railroad from Beaufort to the mountains would be incurring an expense which could never be repaid by the intercourse between these distant portions of the country.

Mr. Wilson, of Perquimans, also opposed any change in the Constitution which would give power to the West to impose upon the East taxes for internal improvements, saying: "But what benefit would accrue to the West? Very little; for nine-tenths of their lands are exhausted, and not worth cultivating, contrasted with hundreds and thousands of acres annually brought into market in the Southwestern States. None complain so much of the want of a market as those who have little or nothing to carry to it."

Mr. Macon was opposed to any plan of internal improvements in which the government was to take any part. All improvements of this kind, he said, ought to be the work of individuals as they could always have it done at cheaper rates than the government.



In response to the arguments of Governor Swain, Messrs. Fisher, Wellborn, Morehead, Carson and others, Mr. Speight said that he need not assure the committee that he was the friend of internal improvements, such as would afford a facility to the farmers of our country in getting to market; but he equally deprecated those wild and visionary schemes on which the demagogue always mounts to power. "The gentlemen talk about a railroad from the seaboard to the mountains. Why, sir, such a scheme is not only idle and visionary, but perfectly impossible." To convince the Convention that he favored internal improvements, Mr. Speight assured the delegates that, if he ever had the honor to be again a member of the Legislature he would "bring forward a plan, and the only one which can improve our condition, viz: a railroad from Beaufort to New Bern, and one from Fayetteville to some central point in the West."

Judge Gaston discussed the question in all its aspects, in a spirit of moderation, with thoroughness and convincing argument. He favored the number of senators and members agreed upon by the report of the committees. Among other things he said, "It should be borne in mind that governments are formed for practical purposes, and not to present themes for the exercise of schoolmen and declaimers." Conceding that the West had cause for complaint, and combatting the conservatism of the extreme eastern men, he said: "The principle which the gentleman from Greene professes, that of equal representation by counties, is supported by no reason whatever—is upheld by nothing but existing usage—stands condemned by the people and has had its day." He showed by calculations made by himself, the original of which are before the writer, that by adopting fifty as the number of senators, distributed upon the basis of taxable property, and one hundred and twenty as the number of the House of Commons, distributed upon the basis of Federal population, the



East would have a small majority in the Senate, and the West in the House. He insisted that while by this plan the result was satisfactory, at the time, it was also based upon a correct principle. Said he: "Make it right, so that it may last. Make it right, for the effect of it will be to obliterate those very sectional divisions which have heretofore prevailed." In conclusion, deprecating the dissensions which had divided the people and retarded progress, he said: Who but must wish that the disconnected fragments of the State may be brought together by those facilities of communication which will make her people and act as one people in interest and affection. Much, very much, may be done for the improvement of the State's physical condition. But there was another point of view in which he most earnestly desired the improvement of the State. If the only secure foundation of rational liberty be the virtue of the people, the best safeguard of that liberty is to be found in their intelligence. This alone could secure them against the wicked acts of oligarchs and demagogues. Not a little had lately been done in the cause of education; and he hailed with delight the institutions which were springing up in various parts of the country for the instruction of youth. But no efficient plans had yet been adopted for diffusing information throughout the land, and bringing it home to the poor and humble. If righteousness exalteth a nation, moral and religious culture should sustain and cherish it. It was in vain to hope that what ought to be done for the physical or intellectual and moral advancement of the State, could ever be accomplished, without the united efforts of the good and the wise, without liberal councils, and systematic co-operation. Many an anxious, many a painful hour, had he spent in reflecting on the divided and distracted state of his country. Earnestly had he wished that he might live to see the day when, instead of wasting their energies in sectional broils—instead of waging against each other a foolish and

wicked contest, in which victory was without glory, and defeat without consolation, they could, like a band of brothers, devote all their aspirations and all their efforts to their country's cause. He would not—he could not abandon the hope, that harmony and good will were about to be restored. He did hope that under this new order of things—under these favorable auspices, his beloved State was about to become all that her sons could wish her to be—that retaining the excellencies she now possessed—her love of liberty and order—her steady, kind, republican and industrious population—her simple and unobtrusive virtues, there might be added to her whatever was fitted to raise, and decorate, and ennoble her character.

Mr. McQueen, of Chatham, followed in a very able and patriotic speech, advocating the same views. After an enthusiastic discussion he concluded: “I am impressed with the belief that the meeting of this convention holds out a more sublime and beautiful spectacle than ever has been before presented to the moral or intellectual vision in North Carolina. And as I firmly believe that it will reveal brighter and more animating prospects than ever flushed Carolinians’ hearts with joy, my heart now swells with rapture at the imperfect glimpse which I have caught of the bright beams that have occasionally darted upon the consultations we have held for the benefit of our country. I think that when this convention surrenders its powers at the feet of those who gave it, we will perceive the morning sun of a brighter day beaming in the firmament of our prosperity.”

The motion to strike out 120 members was defeated by a vote of 76 to 52. The affirmative vote came entirely from the eastern counties. Among the eastern delegates voting in the negative were Bonner and Tayloe, of Beaufort, Arrington of Nash, Faison and Meares of Sampson, Macon and Ed-

wards of Warren, Gaston and Spaight of Craven, Holmes and Marsteller of New Hanover, Ruffin and Williams of Franklin, Toomer and McDiarmid of Cumberland, Williams and Joyner of Pitt. The number of representatives fixed upon at that time has never been changed. The center of population has moved far westward, and the present indications are that it will continue to do so, but happily the conflict between the sections is now confined to friendly contests for office.

It is an interesting problem for the student of North Carolina to forecast the basis of political power in 1935. With the negro eliminated, as a political factor, and the industrial growth of the Piedmont and West, it may safely be assumed that a convention in 1935 would present a very different line of division from that of 1835. The number of senators and representatives will hardly be interfered with unless, as is not probable, the present number of counties is increased to more than one hundred and twenty.

The proposed amendments providing for biennial sessions of the General Assembly, and the election of the Governor biennially by the people alarmed Mr. Macon, and he strongly opposed them. He said, "Democracy is dead in North Carolina"; predicted all manner of tyranny, and the destruction of popular rights. He quoted Mr. Jefferson as saying, "Where annual elections end, tyranny begins." He offered as a safe analogy the custom of a good farmer who, he said, always hired his overseer for one year. Judge Daniel quietly observed that he had lately seen a gentleman from Tennessee, where they elected the governor by the people, who told him that "candidates were traveling through the State on an electioneering campaign at expense and trouble to themselves and great annoyance to the people." Mr. Macon expressed the opinion that "this was a talking government," and he apprehended that the proposed change would destroy this safeguard of liberty.

The convention did not share the fears of their venerable president, and adopted both amendments. Time has justified their wisdom. Certainly our liberties are in no danger from the change.

The convention next entered upon a long and in many respects an able and interesting discussion on the proposition to amend the 32d Article of the Constitution. This Article provided: "That no person who shall deny the being of God, or the truth of the Protestant religion, or the Divine authority either of the Old or New Testament \* \* \* shall be capable of holding any office of trust or profit in the civil department of the State." The only proposition seriously discussed, although several others were considered and voted upon, was whether the word "Protestant" should be stricken out and the word "Christian" inserted; and it is difficult at this day to understand how so able a body of men could have spent so much time and taken so wide a range of debate on such a simple proposition. For many years different opinions had been held in the State whether the Article, as it stood, excluded Roman Catholics from holding office, but the question had never been brought to a practical test. Judge Gaston had been elected to the Legislature a number of times, and two years prior to the meeting of the convention had been elected by a practically unanimous vote of the General Assembly a justice of the Supreme Court, and commissioned by Governor Swain, without any question other than the expression of private opinions. He was on the bench at the time of the convention.

The debate indicated a wide range of opinion in regard to whether any, and if any, what religious test should be applied. The objections to any change were based upon a number of reasons. Some thought that to admit Roman Catholics would meet with much opposition from the people. Mr. Smith of Orange thought that in some indefinite way he was

instructed "by his constituents not to remove the test." It is quite interesting to note how, by unanswerable facts and arguments his difficulty was removed, but his mind and conscience not satisfied.

Mr. Macon said that so far as he was individually concerned it mattered not what provisions were incorporated in the Constitution. His time had nearly come. But this article was the only feature in the old Constitution which he had ever heard objected to outside of the State; and the objection was always coupled with an expression of surprise that it could have got a foothold in a State where the principles of liberty were so well understood. There were times when a man must stake himself for the good of his country. The present was a crisis of this kind. To him it appeared too plain a question to argue that every man may worship God according to the dictates of his own conscience. But it is a practical denial of its truth to debar a man from office because he may entertain certain religious opinions. You might as well attempt to bind the air we breathe, as a man's conscience—it is free—liberty of thought is his inalienable birth-right. Referring to Judge Gaston, Mr. Macon said: "There was one member of this Convention whose father had been inhumanly murdered by the Tories in our Revolutionary struggle—he begged pardon for the allusion, but it was history—and shall it be said that his son, baptized, as it were, in the blood of his father, is unworthy a seat in the Legislature of our country?"

As one of the many instances in which men have used language, in making constitutions and laws, capable of many different constructions, numerous and widely divergent views were expressed in respect to the purpose and meaning of the Constitution. Some thought that it was intended to exclude Roman Catholics—some that it had no reference to persons of that faith and was not intended to exclude them, while



others insisted that by reason of the uncertainty of its meaning it was incapable of enforcement.

Judge Gaston, the only member of the Convention to whom it could be supposed the article had any personal application, discussed the subject in all of its aspects in the last, and probably the greatest speech made by him in any deliberative body. While expressing his views strongly, and explaining the circumstances upon which he went upon the bench, he said: "But as an individual I beg it to be understood, that I am utterly indifferent as to the determination of the Convention and of the people, except a desire that the constitutional provision be made explicit. If it be thought essential to the State that a monopoly of offices be secured to certain favored religious sects, let it be so disclosed. He who now addresses you will not feel a moment's pain, should such a decision render it his duty to return to private life. Office sought him—he sought not office. An experience of its cares, its labors and its responsibilities has not tended to increase his attachment to it."

Mr. Smith said that he wished this section to be laid aside as sleeping thunder, to be called up only when necessary to defeat some deep-laid scheme of ambition.

Mr. Swain disliked to keep the "sleeping thunder" of this section, as the gentleman from Orange termed it, to be used in some emergency hereafter. He did not like to leave it in the hands of men in power, who might hereafter abuse it by

"Dealing damnation round the land,  
On all they deemed their foe."

After rejecting a number of proposed amendments, the Convention, by a vote of 74 to 52, struck out the word "Protestant" and inserted the word "Christian." The negative vote included a number of delegates who were opposed to retaining any religious test. Upon the final test the Convention by a vote of 76 to 32 refused to strike out the word "Christian," Gaston voting with the majority.



Upon the question of submitting the amendments to the people, Mr. Macon said that he could not give them his approval as he had two decided objections to them—the one was the doing away with annual elections, which he considered a fundamental principle of Republican liberty; the other was the change made in the election of Governor. He was sorry that he could not concur in approving the work of a body of men from whom he had received uniform kindness and attention.

The vote on this question stood 81 to 20, the latter being generally from the East.

The closing scenes of the Convention were peculiarly interesting. Judge Gaston, Governor Swain being in the chair, offered a resolution "respectfully tendering thanks to the Honorable Nathaniel Macon, their venerable President, for the distinguished ability, dignity and impartiality with which he has discharged the duties of his station." Mr. Macon, after returning his thanks for "all your kindness," said: "This I expect will be the last scene of my public life. We are about to separate; and it is my fervent prayer that you may, each of you, reach home in safety, and have a happy meeting with your family and friends, and that your days may be long, honorable and happy. While my life is spared, if any of you should pass through the county in which I live, I shall be glad to see you."<sup>5</sup>

"On the President's resuming his seat and the applauses of the Convention having ceased," according to the Journal, "Mr. Carson, of Burke, arose and said that he was about to leave old North Carolina to reside in the far West, where he should be happy at all times to see any friend from the old State—to be a North Carolinian, would be sufficient recom-

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<sup>5</sup> Mr. Macon's prophecy was not fulfilled. He was an Elector on the Van Buren ticket of 1836, and presided over the Electoral College. He died, June 29, 1837.

mendation—his house and corn crib should be at the service of his friends.”

Judge Gaston, from the Committee on Enrollment, reported that the Amendments to the Constitution correctly enrolled on parchment had received the signature of the President and Secretary. After Reverend Dr. McPheeters had offered prayer, the President announced that the business was finished, and on motion of Judge Gaston the Convention stood adjourned.

The amendments were ratified by a vote of 26,771 for, and 21,606 against, the majority being 5,165.

The votes in the following counties are of interest:

Burke, for the amendments,	1,359	against,	1
Buncombe, “	1,322	“	22
Iredell, “	1,184	“	18
Lincoln, “	1,887	“	42
Rutherfordton, “	1,557	“	8
Rowan, “	1,570	“	18
Wilkes, “	1,757	“	8
Edgecombe, “	29	“	1,334
Brunswick, “	0	“	466
Tyrrell, “	1	“	459
Washington, “	14	“	409
Martin, “	14	“	795
Hyde, “	2	“	431
Warren, “	46	“	580
Craven, “	131	“	270
Wake, “	243	“	1,124

This is a fair average of the vote of the eastern and western counties. They are interesting figures, and shed much light on the history of North Carolina. They also show that the Convention was called none too soon. The question which called the Convention into existence was that upon which the

line of division in the vote upon the amendments was formed, representation in the House of Commons based upon population. The other questions were of but little importance in the opinion of the people. Notwithstanding the apprehension of Mr. Smith in regard to the "instruction" given him, the county of Orange ratified all of the amendments by a vote of 1,131 to 246.

The limitations necessarily imposed upon the length of this paper render it impossible to refer to many interesting discussions in the Convention which exhibit a very high order of learning, eloquence and patriotism on the part of the delegates. They are worthy of and will repay study by any person interested in our history.

## THE LIFE AND SERVICES OF BRIGADIER GENERAL JETHRO SUMNER.

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BY KEMP P. BATTLE, LL.D.

[Abridged from his Guilford Battle Ground address, by the author.]

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The President of the Guilford Battle-Ground Company, the eminent Judge Schenck, who, with wonderful energy and success, made green the memories of the warriors, who, on the 15th of March, 1781, 127 years ago, inflicted on the disciplined army of Cornwallis the blow which saved the Carolinas from slavery, caused to be transported the remains of General Jethro Sumner from the wilds of Warren County to the battle-field. The heavy stones, which by the care of his daughter, were over his dust, were reverently taken down and as reverently reerected here.

The task of writing his history has not been an easy one. The facts of his career were only obtainable by diligent research through many manuscripts of a public nature and through numerous volumes relating to the history of Virginia and the Carolinas and the United States. We know nothing of General Jethro Sumner's family in England, whence it came. It must have been one of respectability and substance, for we find his grandfather, William Sumner, becoming a freeholder of Virginia soon after William and Mary ousted from the English throne Mary's tyrannical father, James II. He came about the time of the removal by the choleric Governor Nicholson of the capitol from Jamestown to Williamsburg and of the founding of the second college in America, the noble old William and Mary, named in honor of the new sovereigns, (1691). On his plantation, called Manor, (for English ways and English names were then much liked) one mile from the town of Suffolk, he

raised his tobacco and his corn and wheat, and after the fashion of the day, his blooded horses and fat cattle, while a family of five boys and one daughter grew up around him.

The name of the daughter has not come down to us. The names of the five boys were, Jethro, John, James, William and Dempsey. It is altogether probable that Jethro was the oldest. The right of primogeniture then existed and was dear to the landholders, who had not lost their English love of aggrandizing the family name by entailing the principal homestead on the oldest son. I find that Jethro Sumner was in 1743 one of the first vestrymen of the Episcopal church at Suffolk, and his oldest son, Thomas, was in his stead four years afterwards. General Sumner in his will refers to the "Manor plantation" of his brother in Virginia. These facts seem to show that Jethro, the elder, inherited the paternal land.

Jethro Sumner, the elder, died early, leaving three children, Thomas, already named, Jethro and Sarah. Thomas lived many years and died a bachelor, though not childless. General Sumner's will shows that he did not devise his "Manor plantation" to him, but bequeathed him only a legacy in money.

Sarah married a man with the singular name of Rushworm, whose family seems to have become extinct.

Jethro Sumner, the younger, was born in 1733 and was probably about twelve years of age at the death of his father. How long he had been deprived of a mother's care we do not know. There is a tradition that he was well cared for by his mother's mother.

The East Virginia planters of Colonial days were a race of striking virtues, but with many defects both as to character and conduct. They were high spirited, brave and truthful. They were loyal to the English Crown, but they understood their rights and were always ready to defend them. They

were devoted to horses, and boasted justly that they owned scions of the best racers of England. They had frequent races and both sexes thought it no harm to bet on them, the men heavily, often to the impairment of their fortunes, the ladies seldom venturing beyond a pair of gloves.

The young men learned the art of horsemanship not only in fox-chases, but by constant habit of visiting and traveling on horseback. So deep-rooted was this fashion, that a traveler of that day avers that he has often seen men walk five miles to catch a horse in order to ride one.

The use of firearms was learned by practice in hunting deer, wild turkeys and squirrels, and other game so numerous as to seriously threaten the existence of food crops. Shooting matches, too, were common, the victor not only winning the stake, but receiving the plaudits of admiring neighborhoods.

There was little of what we call education. A few boys received college training at William and Mary. Still fewer were sent to the great schools or universities of England, but the greater part were content with reading and writing and a little arithmetic. The writing was invariably legible, but much liberty in spelling was allowable. In General Sumner's will the county of "Isle of Wight" is spelled "Ilewhite." The gallant Murfree writes of "legenary coors" (legionary corps). Uniform spelling came in with Webster's blue-back spelling-book. The colonial gentleman was likewise too proud to be willing to submit himself to the strict grammatical rules of the solemn pedant who posed as the predecessor of Lindley Murray.

But while there was little education from books, there was a most valuable training from the exigencies of life in a country full of natural resources, but requiring for their development incessant watchfulness and incessant toil. The



carrying the chain and the compass through thickets almost impenetrable and swamps almost impassable, the felling of forests, the defense from floods, the war of extermination against wild animals, the occasional march to help the settlers of the mountain lands to repel the hostile, or to barter for furs with the friendly Indians, the rough sports on horse or on foot—all these, joined with watchful criticism and a discussion of their rights by charter and by inheritance, made a hardy, self-reliant, independent, proud and daring people. They were, as a rule, respectful to those in authority, friendly and courteous to their equals, kind and considerate to their inferiors, but equally ready when angered by encroachment upon their rights to resist fiercely, to avenge insults, to crush insubordination even with cruelty.

In depicting the habits and the character of the people among whom young Jethro Sumner was trained up to manhood, I have pictured him. His removal to North Carolina did not change him for the better or for the worse.

Hardly had Jethro Sumner reached maturity before a contest broke out, of far-reaching influence on the destinies of this country. This was the struggle between the French and the English for the ownership of the magnificent territory, drained by the Mississippi and the Great Lakes and their tributaries. The French sought by connecting Quebec and New Orleans with chains of forts, and by gaining the alliances of powerful Indian tribes to confine the English between the ocean and the Alleghanies.

In the early stages the plans of the French were crowned with success. Our colonies had been designedly kept in a state of pupillage to the mother country. While there was great individual capacity, they had not been taught to organize into armies. Looking each to England for their commerce, and most of them for their chief executive and judicial officers and their clergy, they knew little of one another.

Their laws were subject to the royal veto. They had not learned the immense value of union among themselves. Their levies of soldiers were badly supported and badly armed. At first too, the English government supported them in a manner feeble and actually tending to cripple their efforts. The officers sent were stupid and arrogant, as full of conceit of their own importance as contempt for the colonists. There was disaster almost everywhere, while ruthless savages were laying waste the entire Northwest frontier of the British colonies.

In 1757 the genius of Pitt changed disaster into victory. He gained the confidence of the colonies by consulting their legislatures about the conduct of the war. He promised arms and ammunition, tents and provisions, the colonies to raise, clothe and pay the twenty thousand troops called into service with promise of reimbursement by parliament. Incompetent officers were replaced by competent officers. Amherst captured Louisburg and superceded Abercrombie, who had lost two thousand troops in a rash assault on Ticonderoga. Bradstreet captured Oswego. Forbes, aided by Washington, seized Fort Du Quesne, and on the 13th of September the great contest was virtually won by Wolfe's heroic capture of Quebec. The French power was broken and in the following year (1760), which witnessed the death of old King George II and the succession of his grandson George III, also witnessed the final conquest of Canada and the end of a glorious dream of a dominating New France in the New World. Three years later the English flag waved over all the land from the ocean to the Mississippi.

Jethro Sumner was an actor in this great struggle. Bearing a letter of commendation from Governor Dinwiddie to Colonel Washington, he was in 1758 appointed a lieutenant in a Virginia regiment of which William Byrd was Colonel, General Joseph Forbes being Commander-in-Chief. Wash-

ington had been endeavoring with insufficient means, to defend the long frontier from the terrible savages, whose destruction of property and slaughter and torture of the settlers, old and young, male and female, had been inconceivably horrible. The winter was coming on. The fierce winds began to blow; the snow began to whiten the hills. The General and his council of war talked of delaying the march till spring. Washington begged to be allowed to lead the van with his provincials, who were clamoring for an onward move. Through all difficulties, watching against ambuscades, infusing his indomitable spirit into his men, he pressed on. The French officer saw that he had an officer of brains and daring in his front, and, setting fire to the woodwork of the fort, he fled with his troops down the Ohio. On the 25th of November, 1758, Washington and his brave troops marched into the ruined fortress. Jethro Sumner was one of those daring men, who gained for the Anglo-Saxon race the control of the Ohio, and started their onward march, which from that day has had no backward move, and ninety years later climbed the lofty Rockies and planted the starry flag on the shores of the Pacific.

His were likewise among the kindly hands which, after the victory was gained, reverently and tenderly gathered the bones of Braddock's men, whitened by the sun, and amidst the solemn silence of the interminable forest, gave them Christian burial. A great city, whose smoke from a thousand factories overshadows the scenes of those old fightings, commemorates by its name of Pittsburg the sagacious and daring war minister who prepared the victory.

Sumner remained in service until his regiment was disbanded in 1761. He was evidently an officer of merit. An order published in the Colonial Records of our State, dated November 26, 1760, from Colonel Bouquet, his superior, shows that he was entrusted with separate command at Fort

Bedford. His regiment marched twice into the Cherokee country as far as Holston River, while Colonel Grant with an army of twenty-six hundred men terribly avenged the massacre of the garrison of Fort Loudon. For their services grants of land were authorized to be given to the discharged officers. Sumner having reached the grade of captain, received three thousand acres.

This war prepared the way for American Independence. It taught the colonies their own strength. It taught them how to fight, and what is of still more importance, that they could fight. They learned the value of union. They learned the value of organization and discipline. The war was a training school for their officers—for Washington and Mercer, Sumner and Montgomery, Putnam and Morgan and many others.

After his return to Nansemond the young officer determined to change his home. Probably his long service among the hills and mountains had given him a distaste to the dreary flatness of the lands which adjoin the great Dismal Swamp. Only an imaginary line separates our State from Virginia. There has been for two centuries a steady movement of population from the dearer lands of the valley of the James to the cheaper lands drained by the streams which flow into the Albemarle and the upper waters of the Tar. The Sunners, the Eatons, the Mannings, the Smiths of Scotland Neck, the Ransoms, the Armisteads, the Riddicks, the Norfleets, the Saunderses, the Lewises, the Ruffins, the Camerons, the Battles, the Plummers, the Bakers, the Pughs, the Winstons, the Winbornes, the Hunters, the Bridgerses, the Thomases, the Taylors, and hundreds, perhaps thousands of others, were all old Virginia families. Some changed their homes because, being younger sons, they had no share in the paternal lands; others, because high living or losses by gaming had worsted their estates; others to exchange few acres for larger

plantations equally fertile, or old fields for virgin forests; others to escape by settlement among the rolling hills of Bute and the country westward, the miasmatic diseases of the low country. But for whatever causes they migrated they changed neither their opinions nor their practices, nor their business habits. They still sent their produce to Virginia markets—Richmond, Petersburg, or Norfolk. Returning wagons brought back the tea and coffee and sugar and ladies' finery. They kept their accounts in both Virginia and North Carolina currency. Visits to these cities for shopping or pleasure were the *summum bonum* of the aspirations of young men and maidens.

Most of these emigrants from Virginia became true North Carolinians. Occasionally would be heard arrogant boasting of Virginia superiority, as from the old man, mentioned to me by my mother, who answered all who disputed with him, "Weren't I born in Jeems (James) River, and ough'nt I to know?" But most of them, as Jethro Sumner did, devoted their affections and their energies to their adopted State.

Captain Sumner settled at the court-house of the new county of Bute (pronounced Boot), named in honor of the first instructor and minister of George III, who became so odious that a favorite amusement among the populace was with groans of derision to throw an old jack-boot, often accompanied by an old petticoat, to illustrate, falsely, I think, his suspected intimacy with George's mother, into a bonfire and dance around the crackling effigy. An early General Assembly of free North Carolina expunged the name of the odious Marquis from the map and substituted Warren and Franklin as names of the new counties carved from the old. The court-house of Bute was a few miles to the south of the present county seat of Warren. Here Jethro Sumner set up his household gods. We do not know the exact date of Sumner's settlement in Bute. It was certainly prior to 1769.



Mr. William J. Norwood has donated to the Battle-Ground Company an account book kept with all the neatness of penmanship and durability of black ink so remarkable among our ancestors. It contains the dealings of the neighbors with the keeper of the tavern at Bute Court-house. It shows among many others the account of General Sumner from November, 1769, to November, 1774. It effectually contradicts the statement of Captain Smyth, author of Smyth's tour, as to his occupation. He says that Sumner pursued the business of tavern-keeper, and that more than one-third of the officers of the American army had the same occupation, and were chiefly indebted to that circumstance for their rank. He gives as a reason that by this public calling their principles became known, and their ambitious views were excited by the variety of the company they entertained. Smyth's book shows violent false prejudices throughout. In his opinion Washington was a very poor general, but a most cunning demagogue, his moderation and disclaimer of desire for office being only for electioneering purposes. The book is valuable in many respects, but utterly unreliable in its statements about the officers of our army. It would have been no discredit to Sumner if he had been the keeper of the only inn at the court-house, but this account book shows that he was the owner of it and rented it to one Elliott for thirty-six pounds per annum. Smyth states, as we learn from other sources, that he had married "a young woman of good family, who brought him a handsome fortune."

Captain Sumner was appointed sheriff in 1772. The office was a very dignified and responsible one. The appointment was by the Governor of one out of three nominated by the justices of the county. I have a copy of his commission, signed by Governor Jo. Martin at Hillsborough at August Term, 1772. It is a proof of the high character and business habits of Sumner, that while there had been great uprisings of



angry people in some of the counties almost adjoining Bute, and loud complaints of extortion and embezzlement in those and many others, there were no charges of such criminal conduct in Bute. There were no Bute militia, however, in Tryon's Army which marched against the Regulators in 1771.

The account book of Bute court-house tavern confirms my statement that Sumner and his neighbors retained the habits and feelings of Eastern Virginia. The New Light and Great Revival, if they made any impression on them, it was only transitory. We see glimpses of the same high living and love of fun. We see notices of a court-house ball, of a "bull-dance," the progenitor probably of the modern "stag," of a game of pitch, (quoits, probably, of which Chief Justice Marshall was especially fond); of games at cards, at which one of the players "got broke" and borrowed money of the landlord, of ten pounds paid by Sumner for the erection of a battery, which was a wooden wall for playing the good old game of "fives"; of a barbecue costing six pounds, seven shillings, and three pence, given by William Park; and of fox-hunts of course. All these were accompanied by drinking of liquor in some shape. Sometimes it was rum pure and simple, or as we say "straight"; more seldom it was brandy, never whiskey, but usually it was some mixture. The most common is bumbo, composed of rum, water, sugar, and nutmeg; but we have also juleps (spelt julips) and frog and flip; sometimes we see wine and sangaree and cider too (spelt cyder). There is an entry which the rising generation hardly understands. After a "rousing frolic" there is a charge for "broke glasses." This suggests the foolish custom of winding up the feast with some jolly toast and, after drinking it, smashing the tumblers against the ceiling, typifying that having conferred a pleasure so divine, they should never henceforth be debased to any ignoble use.

And in this account book we detect William Person (called

Billy Parsons) and Green Hill, members of the General Assembly, engaged in what we consider a crime, but was then expected of all candidates—that is, treating at elections. They are charged with their proportions of “liquors expended in the court-house while voting, ten shillings”; also toddy one shilling and three pence. Rum one shilling and six pence.

There was a strange hallucination in regard to spirituous liquors in the “good old days.” The men of that generation thought that they were drinking health and joy and long life. In truth they were drinking down gout and dropsy, and liver disease, and kidney troubles and short life. There were few old men of that generation.

General Sumner was like the rest—he kept the prevailing fashion. Smyth says that he was a “facetious” man. Doubtless he told good stories about his experiences in the army, and the peculiarities of the unlettered backwoodsmen with whom as sheriff he had dealings. He was “of person lusty and rather handsome”, says Smyth, that is he had a strong body and vigorous health, and a fine, manly bearing. The cynical Englishman of a nation of grumblers, chronicles that his dinner was excellent. We can easily call to our mind the Jethro Sumner of that day, at the age of forty-two, his long hair combed back so as to fully expose his rubicund face, tied in a cue behind him, his countenance frank and open, looking one straight in the face with a clear, bright eye, his body inclining to portliness, as became the devourer of good cheer; vigorous from out-door exercise, on foot or on horse, in sport and on business, having the air of authority as became the executive officer of a county in those monarchical days when official station inspired far more awe than at present; as became too a man who had learned the art of command in actual service in an army where officers and men were widely separated by social as well as by army rank, as became, too, the owner of a great estate and many laborers.

At the dinner-table in the familiarity of social intercourse with a young military officer of wealth and good blood, he showed appreciation of a good joke, a quality which has not yet died out in North Carolina. I think better of him for that. Capt. William Biggs, an admirer of Chief Justice Merrimon, and Col. Henry A. Dowd, an admirer of Senator Vance, were once rather heatedly discussing the relative excellencies of their favorites; "I admit," said Biggs, "that Vance can tell a joke better than Merrimon"—"Stop right there", shouted Dowd, "I tell you no man but a smart man can tell a good joke." It is a pleasant picture—these two—the Bute County sheriff and the English officer, exchanging their army anecdotes over their nuts and wine, or rather, I should say, over their hickory nuts and bumbo, in the beautiful month of November, 1774, both too polite to discuss the angry questions which will in three years array them in opposite armies at Germantown, thirsting for each other's blood, the host an American colonel, the guest a British captain. Notwithstanding Sumner's desire to be agreeable to his guest, Smyth notices that he was a man "of violent principles" in regard to the pending quarrel between the mother country and the colonies.

No part of the State was more unanimous in resistance to English aggressiveness than the county of which Sumner was sheriff. "There were no Tories in Bute" was the proud boast. And few families contributed as much to the common cause as the descendants of William Sumner. One of his grandsons, Luke Sumner, repeatedly represented his county, Chowan, in the State Congresses before and the State Senate during the war, and was the highly trusted chairman of the committee of safety from Chowan, member of the eminent committee which reported the Constitution of 1776, and many other important committees, such as those for the purchase and manufacture of arms. David Sumner was a mem-

ber of the State Congress of August, 1775, and of the committee of safety of Halifax and Lieutenant Colonel of Militia, James Sumner was lieutenant in a company of Light Horse. Robert Sumner was a member from Hertford of the convention of 1776 which formed the State Constitution, and of the Senate afterwards, while Elizabeth Sumner's husband, Elisha Battle, was representative from Edgecombe in the State Congresses of 1775, 1776, and State Senate under the Constitution.

But the most eminent of all the family was Jethro Sumner, whose "violent principles" were noticed by Smyth. As sheriff it was his duty to hold the elections, and he could not himself be elected to the convention of 1774 and of March, 1775, but after the flight of Governor Martin to the Royal ship Cruiser, we find him member of the Hillsboro Congress, 1775. The congress proceeded with firmness and wisdom to inaugurate a provisional government and prepare for war. The militia was organized, a special force of five hundred minute-men for each of six judicial districts was ordered to be raised, besides two regiments of five hundred each for the continental army. Bounties were offered for the manufacture of articles most needed.

Captain Sumner was chosen major of the minute-men of the Halifax District. They were in effect volunteer militia, with the privilege of electing their company commissioned officers. He at once showed the superiority natural to one who had learned the art of war under Washington. Occasion was now had for his services. Within a few weeks after the adjournment of Congress the following order was issued:

IN COMMITTEE OF SAFETY,  
November 28th, 1775, Halifax.

Ordered that Major Jethro Sumner raise what minute-men and volunteers he can, and follow Colonel Long with the utmost dispatch.

By order

OROON DAVIS, Clerk.

A copy.

Most probably Colonel Long had marched to the defense of Norfolk, and Sumner followed with the minute-men of Bute. Colonel Howe, afterwards General Howe, hurried forward the second regiment of Continentals, and took command of them and of the North Carolina minute-men. He arrived two days after the victory of the Great Bridge, but he and his troops so gallantly defended Norfolk that the baffled Dunmore on the first day of January, 1776, burned the town and sailed away. Howe was emphatic in his praises of the troops under his command and the legislature of Virginia thanked him and his men for their services.

The Congress of 4th April, 1776, at Halifax, looked the great issue boldly in the face, discarded their hope of friendship from the English King or the English people, and, first of all the colonies, authorized its delegates in the Continental Congress to vote for Independence. The militia was ordered to consist of all between sixteen and sixty years of age. A brigadier-general for each district was elected. Four additional regiments were voted for the American continental army, and four hundred thousand pounds, or one million dollars in bills of credit, were ordered to be issued for the purpose of paying all expenses. The name of Provincial Council for the supreme executive power was found to be inappropriate, as the word "Provincial" implied a recognition of dependence on Great Britain. The name Council of Safety was substituted. Large executive and judicial powers were given, care being taken, however, that they should not be despotic. Three vessels of war were ordered to be built and officers appointed for them.

So highly appreciated was the conduct of Major Sumner that at the next meeting in April of the Provincial Congress he was promoted to the colonelcy of the third regiment of the Continental troops. His field officers were William Alston, lieutenant-colonel; Samuel Lockhart, major. His captains



were William Brinkley, Pinkethman Eaton, John Gray, William Barrett, Jacob Turner, George Granbury, James Cook and James Emmett. The enlisting of men was voluntary, and the following instructions to recruiting officers are interesting: They were to accept "able-bodied men only, capable of marching well and of undisputed loyalty." Regard must be had as much as possible to "moral character, particularly sobriety." The Colonel was authorized to reject those not fit for service. No soldier under five feet, four inches high must be enlisted. They must be healthy, strong-made and well-limbed. The character of disqualifying bodily infirmities sounds strange in our day. They must be "not deaf or subject to fits, or ulcers on their legs, or ruptures." The last-mentioned may have been frequent on account of log-rolling matches, and other violent exercises, but what caused the prevalence of ulcers and fits is a mystery. The recruit took an oath to be faithful and true to the united colonies.

About the middle of July, 1776, the recruits were carried to Wilmington, where Gen. Francis Nash was in charge of the brigade of six regiments. Lillington was too old to go on parade and Lieutenant-Colonel Lambe was substituted. Recruiting had been very successful and the regiments were full. About the middle of November the troops were marched north to join Washington, but were stopped for three weeks in Halifax on the land of Col. Nicholas Long, now Commissary-general of this State. They were marched back to participate in a campaign against Florida. They paused on their journey near the boundary line of South Carolina, about three weeks, "making excellent beds of the long moss on the trees." Here a squad of men claimed that they were enlisted for only six months, and, on being refused their discharges, deserted. "Three of them were colored people," so it appears that free colored men helped to gain American Independence. From this camp they marched to Charleston, and



lay in camp opposite to Fort Sullivan until the middle of March, living on fresh pork and rice as their constant diet, the expedition to Florida being abandoned.

It has always been thought that only the first and second regiments under Colonels Moore and Martin, brigaded under Brigadier-General Howe, participated in the brilliant defense of Charleston on the 28th of June, 1776, Charles Lee being general-in-chief, and that they only of the North Carolina soldiers were entitled to the splendid praise of General Lee, all the more valuable since he had been an officer in the English army. "Their conduct is such as does them the greatest honor; no men ever did and it is impossible to ever behave better," and again in his report to the Virginia Convention, "I know not which corps I have the greatest reason to be pleased with—Mecklenburg's Virginia's or the North Carolina troops; they are both equally alert, zealous and spirited." But a letter from Col. Jethro Sumner to Lieut.-Col. William Alston, printed in the tenth volume of our Colonial Records, page 790, shows, I think, that Sumner and his regiment were at the defense of Charleston.

The letter places Sumner in the most favorable light. He states that General Lee had given him leave to return to North Carolina for the purpose of providing necessaries for the troops in view of the coming winter. He urges Lieutenant-Colonel Alston to be particularly careful of the discipline and to keep a good understanding among the officers and soldiers. He wishes them informed of the cause of his leaving, that it is to their benefit. He says, "You are at all times to keep up a strict discipline, but to reserve a mode of clemency as among young troops; now and then to throw something of a promising hope among them of a quick return to North Carolina, which I doubt not but some time hence will be the case. It will engage the mind and will for a time dispense with inconvenience. Be careful in seeing that no fraud is done

them by the commissaries, and their pay regularly to a month delivered by their captains."

We see here a kind, fatherly and careful heart. Soldiers with such a sympathetic commander were sure to reciprocate his watchfulness for them by attention to duty in camp and on the battle-field.

At the same time that Colonel Sumner went to North Carolina, Lee was ordered north to join Washington. At the urgent request of the authorities of Georgia and South Carolina, the North Carolina troops remained for the defense of those States during the fall and winter following the Declaration of Independence. They were on the fifteenth of March, 1777, ordered to join Washington's army. The route was by Wilmington, Halifax and Richmond. The story of their brilliant victory over the British fleet had preceded them. Their progress through Virginia was an ovation. They could, says the chronicle, hardly march two miles without being stopped by ladies and gentlemen who flocked to see them. At Georgetown those, who had not suffered from smallpox, were inoculated with such success that not a man was lost. They reached Washington's camp at Middlebrook about the last of June. They were placed under the command of General Alexander, Lord Sterling.

Washington met the enemy on the eleventh of September at Brandywine. Sterling's division, including Nash's brigade, was under the command of Sullivan. They showed praiseworthy courage. The flight of Sullivan's own division exposed the flank of Sterling and of Stephen. As Bancroft says, "These two divisions, only half as numerous as their assailants, in spite of the unofficer-like behavior of Stephen, fought in good earnest, using their artillery from a distance, their muskets only while within forty paces." They were forced to yield to superior numbers. Sullivan redeemed his want of generalship by personal bravery, and Lafayette

fought by their side as a volunteer and was shot through the leg.

Within five days Washington was ready for another fight, but the conflict was prevented by a furious rain-storm, which damaged the powder of both armies. On the fourth of October he formed an excellent plan for attacking the enemy at Germantown. The brigades of Maxwell and Nash under Sterling, formed the reserve in the most difficult attack—that on the British left. This attack was successful and if it had been supported properly by the other parts of the army would have won the victory. North Carolina lost some of her ablest men—General Nash, Col. Henry Irwin, Jacob Turner, a captain in Sumner's regiment, and soon afterwards the noble-hearted Col. Edward Buncombe, who was wounded and fell into the hands of the enemy, died at Philadelphia.

The North Carolina brigade went through with fortitude the heart-rending suffering at Valley Forge in the winter of 1777-78. When the news of the Alliance of the United States and France and the sailing of the French fleet to America induced the British commander to retreat to New York, giving up Philadelphia, they did faithful service at Monmouth on the twentieth of June—a victory which would have been most signal for the Americans but for the misconduct of the traitor, Gen. Charles Lee. They were posted on the left flank of the army and prevented the turning of that flank by Cornwallis.

In May, 1778, on account of the diminished numbers, the North Carolina battalions as they were called after joining Washington's army, were consolidated. The sixth was put into the first under Col. Thomas Clark, the fourth into the second under Col. John Patton, and the fifth into the third under Col. Jethro Sumner.

Sumner was promoted for his faithful services to be brigadier-general on January 9, 1779. The North Carolina regu-

lars, dwindled to only seven hundred men, were ordered to the south for the defense of South Carolina and Georgia. General Howe had been disastrously defeated near Savannah, and Congress had superseded him with General Lincoln. General Sumner and his brigade had the post of honor in the attack on the intrenchments of the enemy at Stono Ferry on June the twentieth, 1779. The troops were ordered to trust to the bayonet only, but meeting with a heavy fire, they could not be restrained from returning it. They behaved with great spirit, but as Moultrie, who had been charged with this duty, was unable for the want of boats to prevent the arrival of reinforcements to the British, Lincoln withdrew his men with small loss and in good order. Soon after the battle active operations ceased, on account of the heated air laden with malaria. Sumner's strong constitution, which had resisted the fierce cold of a Pennsylvania winter, could not save him from the prevailing fever. He was forced to ask leave of absence, expecting a speedy recovery in the highlands of Warren. His presence in North Carolina was needed to aid in forwarding recruits to his depleted brigade. His request was granted early in July, and he was therefore not engaged in the disastrous assault on Savannah by the French and American forces on October the ninth, 1779.

In November, 1779, General Sumner was again with Lincoln and joined in the advice to cross the Savannah into Georgia, a movement rendered of no avail by the defeat of General Ashe. On account of his great personal influence in North Carolina he was detached to raise four new regiments of regulars and so escaped being captured at Charleston.

Baffled in the attempt to conquer the Middle States the British ministry determined to transfer the theater of war to the South. The policy seemed for a while successful. In 1779 occurred the disastrous failure by the Americans to capture Savannah. In May, 1780, Charleston capitulated, and

by the blundering policy of General Lincoln, urged on by the governor and other officers of South Carolina, two thousand of our best regular soldiers, the heroes of many hard-fought battles, including the North Carolina brigade under General Hogan, were lost. Georgia and South Carolina were overrun, only a few small partisan bodies, under Marion and Sumter and others, keeping alive the slumbering fires of patriotism.

To make matters worse, Congress which had already inflicted one unwise general on the South, now sent another still worse. The defeat of Gates at Camden left North Carolina open to invasion.

General Sumner was one of the most active and efficient officers in the movement which led to the salvation of the Carolinas. As said before, the North Carolina regulars, except those who were absent on leave, were captured under Lincoln at Charleston. General Greene on account of the unreliability of short term troops earnestly desired the organization of another brigade of regulars. He was ably seconded by the General Assembly, whose determination like that of senators of old Rome, rose higher as the invader drew nigher. As the Roman senators did in times of extreme danger, they appointed a dictator—a Council-Extraordinary—composed of the Governor (Nash), ex-Governor Caswell and William Bignal, of New Bern, and for fear that the Assembly would be prevented from meeting, gave it all the powers vested in the Board of War and Council of State, the powers of the purse and of the sword, the power “to do and execute every act and doing which may conduce to the security, defense and preservation of this State.”

Conscription, the last resort of a self-governing people, was adopted. A law to raise two thousand, seven hundred and twenty men for filling up the Continental battalions was enacted and great bounties offered. All runaways and desert-



ers, all who harbored deserters, all who failed to appear at the time of drafting, were to be *ipso facto* privates in the Continental army for twelve months.

Other strong measures were authorized, such as power of impressment for supplies for the army, the confiscation of property of Tories, and a specific tax of one peck of corn or the equivalent in other provisions, for each one hundred pounds of property. This was afterwards increased to one bushel. These were stern measures, and could only have been enacted by those who valued freedom over property and life.

Prior to the battle of Guilford, March the fifteenth, 1781, there seems to have been small success in recruiting. Greene was forced to replenish his small army with militia. Seeing this state of things, Sumner, with the full approval and at the request of Greene, offered his services as a commander of a brigade of militia, but the offer was not accepted on account of the influence, it is said, of Caswell, who dreaded the despotic influence of officers of the regular army.

Governor Alexander Martin differed widely from Caswell. On the first day of January, 1782, he made an urgent request to General Sumner for Continental officers. He writes, "With your leave Major Hogg accepts a command of Light Infantry of five hundred men with Major McCree; Captain Tatum in command of a troop of horse attached to Major Hogg. Captain Dixon also will command such of the State troops as are now at Warren Court-House until the corps can be organized under Lieutenant Marshall. I flatter myself with the great advantage this State will derive from having the honor of Continental officers in its service at this important period which may finally blast the hopes of a despairing enemy and cause them to fall an easy prey to our arms."

Col. John Armstrong, in a letter to Sumner, gives graphic account of his trials. He says: "The General (Greene)



seems very uneasy about the delay of the draft of the Salisbury district and of the desertions that frequently happen by reason of the forced number of Tories into the service, and as soon as they receive the bounty, they desert. I have received nigh three hundred men and will have not above two hundred in the field. I did everything in my power to bring out the drafts of this district, but all to no purpose. There is one-half at home yet, and remain without molestation. As for clothing, there was little or none sent fit for a negro to wear, except from Rowan. I am sorry that I ever had anything to do with such slothful officers and neglected soldiers. There is a number of them now almost naked, and when cold weather sets in they must be discharged, for no officer would pretend to put them on duty. The neglect we have labored under heretofore, together with the present, makes the service very disagreeable to every one in camp. We are without money, clothing, or any kind of nourishment for our sick; not one gill of rum, sugar or coffee, no tents or camp kettles or canteens, no doctor, no medicine. Under these circumstances we must become very inefficient."

"I am afraid that in a short time you will have but few officers in the field, by reason of the shameful neglect of the State. We seem rather a burden than a benefit to them; we are tossed to and fro like a ship in a storm."

The one thing praised by Armstrong is the pleasantness of the situation of the camp, "plenty of good water." "But," he adds, with a groan, "It has one failing—it will not make grog." Armstrong says that if Sumner had known of the sad condition of the soldiers a remedy would have been found. This is a confirmation of what I have already mentioned of his tender care of his troops.

Although the required number had not been raised, yet Sumner was able on the fourth of July, 1871, to march from Salisbury for Greene's camp in South Carolina, to take command of a thin brigade of one thousand men, distributed into three battalions.

In the pleasant hills of the Santee the raw soldiers, many of whom were conscripted on account of their desertion from their militia duties, were taught the drilling and discipline of soldiers. The enemy under Stewart, was near the confluence of the Wateree and Congaree, each army in sight of the watch-fires of the other. Two large rivers ran between them, effectually preventing surprises, and the operations were confined to cutting off convoys and foraging parties, in which the infantry was not employed.

Greene was the first to move. On the twenty-second of August he marched up the Santee, and Stewart, divining his intention to cross, fell back forty miles nearer his supplies at Eutaw Springs, where the battle occurred. In this stubborn conflict, in which both sides displayed the lofty qualities for which the Anglo-Saxon race is distinguished, Sumner and his brigade, although the soldiers were new levies with only three months' training, and most of them had never before been in a battle, made such a brilliant charge as to win from General Greene the strong commendation, "I was at a loss which most to admire, the gallantry of the officers or the good conduct of the men." And again, "The North Carolina brigade under Sumner were ordered to support them, and though not above three months men, behaved nobly." Governor Martin wrote, "I congratulate you on the honor you have gained at the head of the North Carolina army at the Eutaw." And such was the general verdict. Captain Smyth, the British officer, heretofore mentioned, after peace speaks of Sumner's having "distinguished himself in the course of the late war, being the General Sumner of the American army, who has been so active in the Carolinas."

Although the glory of a conceded victory was denied the Americans, the British forces hurried off to Charleston, and Greene, weakened by the expiration of the term of service of so many of his men, retired to his camp among the hills of

the Santee, soon to rejoice over the glorious news from Yorktown. Here he waited for recruits and watched the enemy.

As soon as the camp was reached, Sumner at Greene's request returned to North Carolina for the second time for the thankless business of raising new forces and urging the supplying of his brigade with food and clothing. Colonel Armstrong wrote on February the thirteenth, 1782, from camp at Colonel Shivers, thirty miles from Charleston: "Your officers and soldiers are very naked and no hopes of being better."

There was universal apathy. The currency became worthless and people in defiance of stringent laws began to refuse to accept it. Specie began to make its appearance at the North, but very little found its way to our State. There was no provision made for the soldiers when recruited. One officer writes that he has men, but no food, another that he has not a single blanket to his company. Another that his drafted men have not come in, and if he obeys Sumner's orders to march he will go alone. Another says that the men came in slowly, and that numbers desert, "we are very scarce of provisions and under the necessity of impressing from the inhabitants who have been greatly disturbed,"..... "The people will make very little corn in this (Caswell) county."

It is impossible at this late day to trace with any minuteness the actions of General Sumner during the last eighteen months of the war. As no great movements of the armies were inaugurated it is probable that he remained in North Carolina, prosecuting his duty of raising troops. In this, his efforts, as were similar efforts in other States, had little success. The ravages of disease in the low lands of South Carolina, where the operations were carried on, had been so great that each recruit, as he turned his back on his home, felt that he was marching to suffering and death. Drafting was the only remedy, and this became so odious that only one-third of those liable in North Carolina were procured.

On the twenty-third of April, 1783, furloughs were granted to the North Carolina soldiers, and they returned gladly to their homes. Large grants of the fertile lands of Tennessee were made them, including twenty-five thousand acres to General Greene, while General Sumner's share was twelve thousand acres. A commission was appointed to settle and pay the just dues, which the Continental Congress had failed to discharge.

In the closing years of the war only the energy generated by fears of defeat and ruin had kept up the people to the fighting point. After the capture of Cornwallis there was a universal feeling that war was practically over. The exertions which were the fruit of terror and despair, gave way to supineness and lethargy. The poor soldiers, far from home, seemed to have been forgotten. In some commands there were mutinies and threats to enforce their rights at the point of the bayonet. An Alexander, a Cæsar, a Napoleon, might have urged the fierce discontent of the army for the organization of a military despotism. The great and good Washington, by the union of kindly feeling and occasional force, quieted these troubles. The brave soldiers who encountered all the sufferings which can afflict mankind—hunger, thirst, nakedness, disease, wounds, separation from loved ones, apparent ingratitude and neglect from those in civil authority—officers whose fame will never die, and their humble followers, “unnamed demigods of history,” hung up their swords and their muskets on the bare walls of their ruined dwellings, and addressed themselves manfully to repairing their shattered fortunes and laying the foundation of the Great Republic of the world. As S. S. Prentice so beautifully said to the returned soldiers of the Mexican War: “Thus the dark thundercloud at Nature’s summons marshals its black battalions and lowers in the horizon, but at length, its lightning spent, its mission finished, its dread artillery silenced, it melts

away into the blue ether, and the next morning may be found glittering in the dewdrops among the flowers, or assisting by its kindly moisture the growth of the young and tender plants."

General Sumner was exempt from some of the trials suffered by his compatriots. He was a man of large possessions. His home was not in the track of the armies and suffered no injury from the rude soldiery. His neighbors were all loyal to America and we find no depredations of Tories or deserters in Bute. His prudence kept him from debt. In the midst of admiring friends, enjoying the satisfaction of a well-earned reputation, he spent the residue of his days in the management of his estate, the care of his slaves and his blooded horses, the training of his children and the exercise of a generous hospitality. His wife probably died during the war, as she seems to have been living in 1781, and was not living in 1785.

Only once was he induced to leave his privacy. In 1784 was formed the Society of the Cincinnati, composed of the officers of the Continental army. Its name was taken from the personification of Washington, called, like Cincinnatus of old, from his farm to the salvation of his country. It was designed to perpetuate the feelings of patriotism and brotherly affection engendered by the long struggle together for Independence, and provide for the indigent in their ranks. Washington was its president-general. General Sumner was president of the North Carolina division and presided over a meeting of the delegates at Hillsboro on April the thirteenth. As delegates to the general body he appointed Archibald Lytle, Reading Blount, and Griffith J. McCree. As in the original incorporation the primogeniture principle was contemplated, fears entered the public mind that the society was an entering wedge for the introduction of an aristocracy into our country. This hostility, coupled with the difficulty of



communication in this large but thinly settled State gave it a short life here. In some of the States it still flourishes, and has been successfully revived in North Carolina. From it is derived the name of one of the most flourishing cities of the West.

We have the inventory of General Sumner's effects, returned by his executors. Including the bounty lands in Tennessee, he left over twenty thousand acres of land, besides town lots in Halifax, Louisburg and Smithfield, in Virginia. He owned two valuable farms in Warren County, one called his "Manor Plantation" and the other his "Bute Court-House Plantation." On them were thirty-five slaves, nearly all able to work, and seventeen horses, some of them racers, and about two hundred and forty hogs, twenty sheep and eighty-six head of other cattle. The possession of this large amount of stock, together with one hundred and fifty barrels of old corn and a quantity of bacon and beef and six hogsheds of prized tobacco and about two to prize," as late as the fifteenth of March, after the winter was passed, is a pretty good showing for his management. The mention of a "quantity of quart bottles, some rum, brandy, cyder and wine," five large China bowls, and four small ditto, shows that he kept up the convivial habits which distinguished Warren society for so many years, while the "one chamber chair" suggests that the war-worn veteran, after leaving his active army life, may have contracted by too generous living that affliction, formerly called the aristocratic disease, the gout, exceedingly common in that day. There is an enumeration of a large quantity of earthenware and china, silver and ivory-handled knives and forks, "two square tables, two round tables, and two tea ditto," which shows that he was accustomed to show bountiful hospitality. As mementos of his army experience we find two thousand, three hundred and seventy-four pounds, nine shillings and six pence of army



certificates, his silver-handled sword, bequeathed to his eldest son, and "his camp-beds, bedsteads and furniture," which he gave to his daughter. The division of his "printed books" between his two sons, in that day when books were quite rare, indicates that he had some taste for literature.

The end was much nearer than the age of fifty-two years would seem to make probable. The exposures of war from the bitter cold of Valley Forge to the fever swamps of South Carolina, undermined his strong constitution. His will is dated March fifteenth, and he died March the eighteenth, 1785.

I regret that I can ascertain nothing satisfactory about General Sumner's wife. Smyth states, as I have mentioned, that she was young at the time of the marriage, of good family and of a handsome fortune. Wheeler says that she was a widow Heiss, of New Bern, but none of the old inhabitants of that town know anything about her. General Sumner bequeaths to his daughter the "clothing and jewels of his wife, now in possession of Mrs. Long, of Halifax." Mrs. Long, of Halifax, the widow of Col. Nicholas Long, the commissary-general, was a notable lady, whose maiden name was McKinnie, and from the fact that Mrs. Sumner's clothing and jewelry were left with her, coupled with the fact that one of her sons was named McKinnie Hurst, and further that it appears from an act of the General Assembly, disentailing some lands, that the McKinnies and Hursts were related, the presumption is that she was either a McKinnie or a Hurst, nearly related to Mrs. Long. The presumption is strengthened by the fact that one of the devisees of Sumner's lands, in the case of the death of all his children in their minority and without issue, was Nicholas Long, Jr., a son of Mrs. Long.

General Sumner left three children, all minors. We do not know the dates of his marriage or of the birth of any of his children, except Jacky Sullivan, who married Thomas

Blount, a brother of Col. Reading Blount, one of Sumner's colonels. She changed her name to Mary Sumner Blount, and died in 1822. She was born in 1778 and was probably the youngest child. The two sons were Thomas Edward and McKinnie Hurst. To the former, doubtless the oldest child, was devised his Manor Plantation. To McKinnie Hurst the Bute Court-House Plantation. In case either should die in their minority the other was to have the whole. If all his children should die in their minority his lands were to go to Nicholas Long, Jr., and the oldest son of Benjamin McCullock and James Gray. His executors nominated were Benjamin McCullock, John Baptista Ashe, Young McLemon, and James Grey, but only McCullock and Grey qualified. McKinnie died young and Thomas, after being a member of the legislature of North Carolina, removed to Tennessee and died childless, and so all the property finally vested in Mrs. Mary Sumner Blount and was scattered by her among sixty legatees, including the Episcopal Church of Raleigh, and friends who had been kind to her. Her husband was a member of Congress of the United States, and one of the commissioners to locate the capitol, and also the University.

From the foregoing sketch, we are able to estimate what manner of man Jethro Sumner was. He was not a genius; he had little education derived from books. But he had a generous nature and a big heart. One of his colonels writes: "Dear General, you are no stranger to our sufferings; we have our eyes upon you as our support in our hour of need." They did not lean on a broken reed, but on a sturdy oaken staff. He had a strong head and sound common sense. General Greene and Governor Nash and scores of military leaders in the dark hours of a desolated State, of civil strife, of ruined currency, of despondency and of terror, asked the aid of his sagacity and pluck, and asked not in vain. He had a long experience in actual military service, in fierce

battles, in laborious marches, in dreary encampments, in thankless recruiting service, from a Lieutenant to a Brigadier-General's place. He was a loyal, brave, true, gallant soldier. He did his whole duty and made no boast. He left no posterity to keep his fame burnished. Let us join in thanks to the giver of all good, because of His gift to North Carolina of \*"Jethro Sumner, one of the Heroes of 1776."

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\* This is the inscription on Sumner's monument.

## THE SIGNIFICANCE OF THE MECKLENBURG DECLARATION OF INDEPENDENCE.

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BY BRUCE CRAVEN.

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*The Mecklenburg Declaration of Independence, May 20, 1775, was tremendously significant in that it was a logical fruition of and a striking keynote to the unconquerable and indomitable free spirit of the people of North Carolina.* It was not the effect of sudden passion. It was not an ill-advised act of fanatics. It was instead an extraordinarily noticeable outcropping of a pure vein of sturdy independence that extends from the beginning to the end of the history of North Carolina. This heart of the matter has been neglected in the intricate efforts to prove or to disprove that the event occurred as claimed. The simple fact of this long drawn-out discussion which has continued unabated for nearly one hundred years is evidence of the importance of the act, the genuineness of which can not be doubted by any unbiased mind in possession of the uncontrovertible testimony. The desire here, however, is not to present proof of established history, but to penetrate the outward semblance and analyze the motives and purposes of the spirit so powerfully manifested in advance of the other American colonies and at a time when the Continental Congress was declaring fealty to George the Third and denying any desire for national independence.

*Freedom of thought and speech is the foundation of the American Republic and is engrafted into every American constitution, but this immortal fundamental element of true democracy was born in North Carolina.* It was the first declaration of the first settlers and in their first laws it was first legally guaranteed to mankind with equal rights to all and

special privileges to none. The desire for freedom of mind and conscience was directly responsible for the settlement of America, but the Puritans and Cavaliers who sought and won freedom for themselves, denied it to others, thereby sacrificing the principle of it. Never was it guaranteed by any people to all other people in good faith until in 1653 the gentle peace-loving pioneers left Berkeley's tyranny in Virginia and came southward and settled around Albemarle Sound. Of these people Bancroft said "they were the freest of the free," and further, "If you would study man's capacity for self-government, study the history of North Carolina." These settlers included many nationalities, but they were united in a common cause in a sincere and abiding belief in the natural and inalienable rights of pure liberty. When in 1663 the King granted the territory to the Lords Proprietors, the first inducement held out to new settlers was this guaranty of religious and industrial freedom, and though the promise was not held sacred by some of the British Governors, the rights were never surrendered by the people who submitted gracefully to British rule so long as it protected them, and resisted it boldly and defiantly when it trampled upon their rights.

*In 1678, when the government was fifteen years old and the colonists numbered twenty thousand, they accomplished the first successful armed resistance to the encroachment of British tyranny. The trouble began with the philosophic but impossible "Model Constitution" prepared by Locke and Shaftsbury, and which provided for high-sounding titles and civic and military dignitaries intended to captivate the people. Nothing ever failed more completely. The offer of Dukedoms and Earldoms had no more attraction for these free people who had builded their homes with their own hands out of the rough-hewn logs of the forests than the offer of toys would have for full-grown men. The fantastic document was scorned with unanimity, the people thus showing their innate*

repugnance to undemocratic government. They feared God and loved the brethren, were willing to bear their own burdens and to help others, but never to presume to add to the neighbor's burden by any assumption of superiority warranted or unwarranted. Relieved from this handicap, they were subjected to an attempt to rigidly enforce the odious navigation act which stipulated that the colony could only trade with English vessels. This would have destroyed a chief source of wealth in preventing trading with the other colonies, and as it was plainly an infringement of national rights, the people, headed by John Culpepper, threw the officials into jail and *conducted their own government in actual independence for two years*, until their just demands were satisfied in the repeal of the law.

*In 1688 the colonists became incensed at Governor Seth Sothel (also one of the Proprietors) for his tyranny and extortion, arrested, tried and convicted him and drove him from the State in disgrace.* The authorities in England decided that the only hope of maintaining the rule over the North Carolinians was to send one of their own number over as Governor, so they sent the one England could spare the best. He was captured at sea by Algerine pirates, who might have atoned for many misdeeds by keeping him, but they released him at the end of two years, during which time he no doubt added much to his store of knowledge in wicked ways. In his five years' administration of the colony's affairs he set the pace for all time for corruption in office. He was a shameless libertine, briber and taker of bribes, and thievery and all species of corruption were as natural to him as drawing breath. The people endured his misdeeds until patience ceased to be virtue and then gave a fitting example of the way to deal with such abuses, even though the object of their wrath was the sole representative of the power of the greatest nation on earth.



In 1704 a law was promulgated making the Established Church of England the State church for North Carolina. Delegations were sent to Queen Anne protesting that they paid their own preachers and would pay no others, and declaring their unalterable determination to resist the injustice even unto death. The struggle was fierce but short and the authorities saw that discretion was the better part of valor. *The people won and the obnoxious law was repealed.*

In all history there is no finer example of the spirit of freedom than in the open defiance of England by these few thousand colonists living in their rude log cabins. The Lords Proprietors, perceiving the impossibility of conquering the spirit, turned the colony over to the King in 1729, and the people entered no protest. They recognized the English government as the seat of authority and offered no resistance until the government abused its power. Gabriel Johnston was Governor from 1734 to 1752, and though he was a faithful servant of the King he was an able and conscientious man and the people enjoyed peace and were never more friendly disposed toward the mother country. In these years the rushing tides of immigration were settling the State as far west as the foot of the Blue Ridge Mountains, but the spirit of the population remained unchanged. In 1749 the printing press was introduced into the State and the progress and prosperity were so noticeable that there was no suspicion of the storm that in twenty years was to follow the calm.

*In 1764 the North Carolinians forced Governor Arthur Dobbs to admit that the control of the State's revenue rested exclusively with the people who paid the taxes.* Governor Dobbs, by his obstinacy and lack of tact, developed much friction and hard feeling between the people and the government. He claimed that the revenues belonged to England and that he, as England's representative, had the right to disburse them without recourse to the will of the people. The people

had no text-book of political economy and cared but little about theories of law and government; they knew this was an attempt to destroy their liberty and they refused to pay taxes until the Governor, facing open rebellion, yielded to their demands that no money should be appropriated from the public funds without the consent of the General Assembly.

William Tryon came into office in 1765, when the people were discontented and distrustful and fearful of British rule, and his services began with the duty of enforcing the Stamp Act, which required all legal papers to be written on stamped paper, for which a revenue tax was collected. The declaration was unanimous that there should be no submission to this unjust measure, and when the ship-of-war *Diligence* arrived at Wilmington with the hated paper, September 28, 1765, *Colonels Ashe and Waddell, leading armed men, told the ship's commander that the paper could not be landed*, and he probably knowing something of North Carolina history, made no attempt to carry out his task. Again the contest was fierce, brief and decisive. *The Stamp Act was annulled by the King, but only after it had already been annulled by the voice of the people, which was continuing to demonstrate its supremacy over Kings and Empires and Parliaments.* Governor Tryon tried to pacify the enraged people by giving a great public feast in Wilmington, but they would have none of it, and showed their contempt for such patronizing methods by throwing the roasted meats in the river and pouring the beer on the ground. It was an open declaration that peace could only be maintained by submitting to the people's will and guarding and protecting them in their just rights; but the government failed to profit by the hint, and from that time events led rapidly to the Revolution.

*May 16, 1771, in the battle of Alamance, was shed the first blood in the war for Independence.* After the repeal of the Stamp Act, the taxes were increased to the limit of en-

durance and the extortions of corrupt officials made the bad matters worse. This moved the people to organize to regulate the abuses, and this organization, under the leadership of Herman Husband, became known as the "Regulators." They first appealed to the courts, which showed themselves to be mockeries of justice. Then they resisted the injustices of the extortionists, and the hostility prevailed to such an extent that Governor Tryon, always ready for military display, formed an army to intimidate the Regulators. Husband, with his followers, many of whom were unarmed and none of whom were well armed, approached the Governor's troops for a parley, and the Governor, realizing his advantage, forced a battle. To Tryon, it gave the opportunity (which he desired) to send a message to the King proclaiming "a glorious victory over the rebels." The Regulators were completely routed and the organization was ended, but rapidly from this time the British authority in North Carolina tottered to its fall, and the shedding of patriot blood opened the eyes of North Carolinians to the sober fact that *though the issue had been before them for one hundred years, now they knew that British rule was not feasible in America and that the only possible permanent government in North Carolina must be founded on the consent of the governed.*

April 26, 1774, William Hooper wrote to James Iredell. "With you I anticipate the important share the colonies must soon have in regulating the political balance. *They are striding fast to independence*, and ere long will build an empire upon the ruins of Great Britain; will adopt its Constitution, purged of its impurities, and from an experience of its defects will guard against the evils which have wasted its vigor and brought it to an untimely end." It is no wonder that Thomas Jefferson wrote to John Adams that "No State was more fixed or forward than North Carolina in the struggle for independence." About the time Hooper's letter was written,

Governor Martin (who succeeded Tryon in 1771) dismissed the Assembly with the statement that it should not meet again until peace should reign. This was a practical declaration of war, and the people met it as they had met previous abuses. There was no legal provision for them to assemble at their own will, but these men were of the kind who make precedents when there are none sufficient to the needs. John Harvey, the aged leader, even then near death, drove in his gig to meet Willie Jones, Samuel Johnston and Edward Buncombe. *These fearless patriots consulted together and threw defiance to the King and his Governor by calling on their own authority an Assembly to meet in Newbern, August 25, 1774.* This Assembly, the first one in America to meet independent of British authority, elected Joseph Hewes, Richard Caswell and William Hooper delegates to the Continental Congress, and made it plain that further submission to the King was not possible.

In view of this unparalleled record for independent character, there is nothing inconceivable nor inconsistent in the action of the sterling patriots of Mecklenburg assembled in Charlotte May 20, 1775, and who, upon receiving the news of the Battle of Lexington, adopted resolutions declaring: "We do hereby dissolve the political bands which have connected us with the mother country," "absolve ourselves from the allegiance to the British Crown," and "declare ourselves a free and independent people." At a second meeting May 31, further resolutions were adopted and provisions made for self-government. The declaration simply described actual conditions, for *from May 20, 1775, North Carolina was independent of Great Britain.* The militia of the counties were under arms subject to the orders of the Provincial Congress, and early in June Governor Martin went on board a war-vessel at Wilmington and British authority was thereby forever brought to an end in the State. From the ship-of-war

Governor Martin sent to England a copy of the Resolutions of May 31, which had been published in the *Cape Fear Mercury* and the *Charleston Gazette*, and said they were the most treasonable publications he had yet seen. In August of 1775 the independent government was fully organized, with Cornelius Harnett as Governor. February 27, 1776, the battle of Moore's Creek Bridge was fought and the first American victory won. April 12, 1776, the Provincial Congress instructed the North Carolina delegates at Philadelphia to vote for national independence, and in this connection it is well to note that the three delegates from Mecklenburg went to the Provincial Congress with instructions to vote for the resolution of independence.

The story of the Revolution need not be detailed here. The North Carolinians left their own State unprotected in order to aid their sister States. Cornwallis entered the State in September of 1780 as a conqueror and in anticipation of a triumphant march to join the British troops in the North, but as a result of the fighting in Charlotte and the battles of King's Mountain and Guilford Court-House, he left the State in defeat only to go to Yorktown for unconditional surrender. Thus in the study of the character of the people we reach the logical conclusion that *the Mecklenburg Declaration of Independence was a rational manifestation of the will of the people and in perfect harmony with the history of the State from the beginning to the end of the tremendous struggle for free and independent government "of the people, by the people, and for the people."*



## BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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COMPILED AND EDITED BY MRS. E. E. MOFFITT.

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### JUDGE HENRY GROVES CONNOR.

Judge Connor was born in Wilmington, N. C., July 3d, 1852; the son of David and Mary C. (Groves) Connor. He was educated in the town schools of Wilson; married in Wilson, Kate Whitfield, daughter of George Whitfield, afterwards his law partner; he practiced law at Wilson; was State Senator, 1885; Superior Court Judge, 1885-1893; Speaker of the House of Representatives, 1889; again member of the House of Representatives in 1901; was elected Associate Justice of the Supreme Court January 1, 1903, and still continues to perform the duties of that office.

Judge Connor has always been a consistent Democrat, and his party has shown appreciation of his value, in the high offices to which he has been chosen. For many years he was President of the Branch Banking Company, Wilson, N. C. He was President of the State Literary and Historical Association, 1901-1902. He delivered an address before the Law Class of the University of North Carolina in 1899; and at the Civic Celebration at Trinity College, February 22, 1899; before the Colonial Dames of North Carolina on their annual pilgrimage to Old Brunswick, 1902. He contributed to "Great American Lawyers" a sketch of Judge William Gaston; to the Biographical History of North Carolina sketches of Judges George Howard and Charles M. Cooke; to the North Carolina Booklet, Vol. IV, an article entitled "The Convention of 1788," and in the present number one on "The Convention of 1835."

In 1908 the State University conferred on Judge Connor the honorary degree of LL.D.



In preparing a sketch of such a man as Henry Groves Connor it is only just to mention his character as a man and a private citizen, which even more perhaps than his public record has made him beloved and honored in his own community and everywhere that he is known. Judge Connor has long been a member of the Episcopal Church. His residence continues in Wilson, N. C., while his office is in the Supreme Court Building in Raleigh.

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#### KEMP PLUMMER BATTLE.

NOTE.—A sketch of Dr. Battle appeared in Vol. VII, October, 1907, of this Booklet. Since that time Dr. Battle completed the first Volume of *The History of the University of North Carolina*, and in consideration of its merit, the State Literary and Historical Association awarded to him, at the annual meeting in October, 1907, the "Patterson Memorial Cup."

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#### BRUCE CRAVEN.

Prof. Bruce Craven, the author of "The Significance of the Mecklenburg Declaration of Independence," was born May 14, 1881, in Trinity. He is the son of the late James L. Craven, M.D., and Mrs. Nannie Bulla Craven; grandson of Rev. Braxton Craven, D.D., LL.D., founder and president of Trinity College, and of Hon. James Ruffin Bulla, who was for many years one of North Carolina's most noted lawyers; was educated in Trinity College, and since leaving college in 1900 has been superintendent of the graded schools of Murphy and Clinton and Morganton. He has achieved distinction as a clear and strong writer, is an excellent speaker, an active member of the Methodist Church and an ardent advocate of thorough and effective education. November 5, 1901,

he was married to Miss Clara Chaffin, daughter of Mr. and Mrs. M. R. Chaffin, of Mocksville, who was his classmate in college. In the year 1907 was superintendent of the public schools in Elizabeth City, and has been elected superintendent of the city schools of Lancaster, S. C. Mr. Craven has been active and prominent in educational work in North Carolina for several years and has achieved reputation in independent and fearless advocacy of genuine moral and intellectual training. For many years past he has been a close student of North Carolina history, particularly that of Mecklenburg County, and a frequent contributor of historical and educational discussions to leading newspapers and magazines. In the recent campaign for State prohibition he was one of the speakers for the cause. Though he has accepted the call to Lancaster, yet he remains a genuine North Carolinian for all time. His home people have watched with interest and pleasure his success in teaching and in literary and historical work.

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The unveiling of a tablet to the "Ladies of the Edenton Tea Party of October 25th, 1774," will take place on October 24th, 1908, in the capitol of North Carolina.

# INFORMATION

## Concerning *the Patriotic Society*

### "*Daughters of the Revolution*"

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The General Society was founded October 11, 1890,—and organized August 20, 1891,—under the name of "Daughters of the American Revolution"; was incorporated under the laws of the State of New York as an organization national in its work and purpose. Some of the members of this organization becoming dissatisfied with the terms of entrance, withdrew from it and, in 1891, formed under the slightly differing name "Daughters of the Revolution," eligibility to which from the moment of its existence has been *lineal* descent from an ancestor who rendered patriotic service during the War of Independence.

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### "*The North Carolina Society*"

a subdivision of the General Society, was organized in October, 1896, and has continued to promote the purposes of its institution and to observe the Constitution and By-Laws.

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### Membership and Qualifications

Any woman shall be eligible who is above the age of eighteen years, of good character, and a *lineal* descendant of an ancestor who (1) was a signer of the Declaration of Independence, a member of the Continental Congress, Legislature or General Court, of any of the Colonies or States; or (2) rendered civil, military or naval service under the authority of any of the thirteen Colonies, or of the Continental Congress; or (3) by service rendered during the War of the Revolution became liable to the penalty of treason against the government of Great Britain: *Provided*, that such ancestor always remained loyal to the cause of American Independence.

The chief work of the North Carolina Society for the past seven years has been the publication of the "North Carolina Booklet." It still continues to extend its work and to spread the knowledge of its History and Biography in other States.

This Society has its headquarters in Raleigh, N. C., Room 411, Carolina Trust Company Building, 232 Fayetteville Street.



[illegible]

Photographic Facsimile of the Contemporary Moravian Church Record of 1775, which eminent historians declare is the final proof of the Mecklenburg Declaration of Independence,

Vol. VIII.

JANUARY, 1909.

No. 3

*The*  
NORTH CAROLINA BOOKLET

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*"Carolina! Carolina! Heaven's blessings attend her!  
While we live we will cherish, protect and defend her."*

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Published by

THE NORTH CAROLINA SOCIETY  
DAUGHTERS OF THE REVOLUTION

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The object of the BOOKLET is to aid in developing and preserving North Carolina History. The proceeds arising from its publication will be devoted to patriotic purposes.

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# THE NORTH CAROLINA BOOKLET.

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Vol. VIII

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## THE MECKLENBURG DECLARATION OF INDEPENDENCE.

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BY A. S. SALLEY, JR.

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For nearly ten years prior to the adoption of constitutional forms of government by the several British provinces of North America, following the breaking out of hostilities in 1775, those constitutions had been evolving from the extra-legal committees that had from time to time during those years been organized at town and county meetings in the different sections of America. With the arising of each new cause for political dissatisfaction the number and influence of these local committees increased, and as their strength and influence increased they assumed greater powers or were voted them by the people in town or county meetings.

When the passage of the Boston Port Bill, as it was popularly called, by the Parliament of Great Britain in 1774 became known in the several provinces the local committees called meetings of the inhabitants, at which delegates were elected to provincial conventions.

The first provincial convention of North Carolina was held in New Bern August 25, 26, and 27, 1774. On the last day resolutions appropriate to the existing political conditions in America were adopted, wherein was incorporated the following recommendation looking to a closer union of the people of the province:

and it is recommended to the deputies of the several Counties, That a Committee of five persons be chosen in each County by such persons as accede to this association to take effectual care that these Resolves be

properly observed and to correspond occasionally with the Provincial Committee of Correspondence of this province.<sup>1</sup>

These committees were chosen soon after the adjournment of the convention.<sup>2</sup> The signers of the Association soon selected their committee in Mecklenburg, as was the case in the other counties. The date can not be fixed, but it was done most likely before January 26, 1775, when Governor Martin made the following statement to the Earl of Dartmouth, British Secretary of State for the American Department, in a letter of that date:

In this Province as in all others to the Northward Committees have been Chosen by the people to carry into execution the measures of the General Congress. Your Lordship will judge of the spirit of these extraordinary Tribunals by the proceedings of that of Halifax County (of which I herewith enclose a copy) towards a very worthy and respectable merchant of that place.<sup>3</sup>

Martin's statement is confirmed by the action of the second provincial convention of North Carolina, held April 3-7, 1775, when occasion was taken to "recommend to the Committees of the several Counties to propose Premiums to the Inhabitants whose Industry may be a proper Subject for their Bounty."<sup>4</sup> Additional confirmation may be gathered from the fragmentary records of the committees of several other counties which have been published in the *Colonial Records of North Carolina*.

<sup>1</sup> *The South-Carolina and American General Gazette*, October 7, 1774; *American Archives* (Peter Force), Fourth Series, I, 734-737; *Colonial Records of North Carolina*, IX, 1043-1049. The resolution recommended that five persons be chosen but almost every county of which we have any records of the committee of selected more than that number. Rowan and New Hanover counties each selected twenty-five.

<sup>2</sup> In Rowan September 23, 1774 (See journal of the committee, Wheeler's *Historical Sketches of North Carolina*, II, 361); in Pitt December 9, 1774 (See *Colonial Records of North Carolina*, IX, 1095); in New Hanover January 4, 1775 (*Ibid.*, 1107).

<sup>3</sup> *Colonial Records of North Carolina*, IX, 1115.

<sup>4</sup> *Ibid.*, 1185.

We are also uninformed as to who composed the Mecklenburg committee, save that by two contemporaneous records it is shown that Ephraim Brevard was the secretary and Abraham Alexander the chairman. The first of these records was published in *The South-Carolina Gazette; And Country Journal* (Charles Town) for June 13, 1775; in *The North-Carolina Gazette* (New Bern) for June 16, 1775; and in *The Cape-Fear Mercury* (Wilmington) for June 23, 1775. The following are the resolutions as they appear in *The North-Carolina Gazette*:

Charlotte Town, Mecklenburg County, May 31.

*This Day the Committee met, and passed the following*

#### RESOLVES:

WHEREAS, by an address presented to his Majesty by both Houses of Parliament in *February* last, the *American* colonies are declared to be in a state of actual Rebellion, we conceive, that all Laws and Commissions confirmed by, or derived from the Authority of the King or Parliament, are annulled and vacated, and the former civil Constitution of these Colonies for the present wholly suspended. To provide in some Degree for the Exigencies of the County in the present alarming Period, we deem it proper and necessary to pass the following RESOLVES, *viz.*

1. That all Commissions, civil and military, heretofore granted by the Crown, to be exercised in these Colonies, are null and void, and the Constitution of each particular Colony wholly suspended.

2. That the Provincial Congress of each Province, under the Direction of the Great Continental Congress, is invested with all legislative and executive Powers within their respective Provinces; and that no other Legislative or Executive does or can exist, at this Time, in any of these Colonies.

3. As all former Laws are now suspended in this Province, and the Congress have not yet provided others, we judge it necessary, for the better Preservation of good Order, to form certain Rules and Regulations for the internal Government of this County, until Laws shall be provided for us by the Congress.

4. That the Inhabitants of this County do meet on a certain Day appointed by this Committee, and having formed themselves into nine Companies, *to wit*, eight for the County, and one for the Town of *Charlotte*, do choose a Colonel and other military Officers, who shall hold and exercise their several Powers by virtue of this Choice, and independent of *Great Britain*, and former Constitution of this Province.

5. That for the better Preservation of the Peace, and Administration of Justice, each of these Companies do choose from their own Body two discreet Freeholders, who shall be empowered each by himself, and singly, to decide and determine all Matters of Controversy arising within said Company under the Sum of Twenty Shillings, and jointly and together all Controversies under the Sum of Forty Shillings, yet so as their Decisions may admit of Appeals to the Convention of the Select Men of the whole County; and also, that any one of these shall have Power to examine, and commit to Confinement, Persons accused of Petit Larceny.

6. That those two Select Men, thus chosen, do, jointly and together, choose from the Body of their particular Company two Persons, properly qualified to serve as Constables, who may assist them in the Execution of their Office.

7. That upon the Complaint of any Persons to either of these Select Men, he do issue his Warrant, directed to the Constable, commanding him to bring the Aggressor before him or them, to answer said Complaint.

8. That these eighteen Select Men thus appointed, do meet every third *Tuesday*<sup>5</sup> in *January, April, July, and October*, at the Court-House, in *Charlotte*, to hear and determine all matters of Controversy for Sums exceeding Forty Shillings; also Appeals: And in Cases of Felony, to commit the Person or Persons convicted thereof to close Confinement, until the Provincial Congress shall provide and establish Laws and Modes of Proceeding in all such Cases.

9. That these Eighteen Select Men, thus convened, do choose a Clerk to record the Transactions of said Convention; and that said Clerk, upon the Application of any Person or Persons aggrieved, do issue his Warrant to one of the Constables, to summons and warn said Offender to appear before the Convention at their next sitting, to answer the aforesaid Complaint.

10. That any Person making complaint upon Oath to the Clerk, or any Member of the Convention, that he has Reason to suspect that any Person or Persons indebted to him in a sum above Forty Shillings, do intend clandestinely to withdraw from the County without paying such Debt; the Clerk, or such Member, shall issue his Warrant to the Constable, commanding him to take the said Person or Persons into safe Custody, until the next sitting of the Convention.

11. That when a Debtor for a Sum below Forty Shillings shall abscond and leave the County, the Warrant granted as aforesaid shall extend to any Goods or Chattels of said Debtor as may be found, and

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<sup>5</sup> *The South-Carolina Gazette; And Country Journal* prints "Thursday," but all other contemporary copies and the county court records show "Tuesday" to have been correct.



such Goods or Chattels be seized and held in Custody by the Constable for the Space of Thirty Days; in which Term if the Debtor fails to return and discharge the Debt, the Constable shall return the Warrant to one of the Select Men of the Company where the Goods and Chattels are found, who shall issue Orders to the Constable to sell such a Part of the said Goods as shall amount to the Sum due; that when the Debt exceeds Forty Shillings, the Return shall be made to the Convention, who shall issue Orders for Sale.

12. That all Receivers and Collectors of Quitrents, Public and County Taxes, do pay the same into the Hands of the Chairman of this Committee, to be by them disbursed as the public Exigencies may require. And that such Receivers and Collectors proceed no farther in their Office until they be approved of by, and have given to this Committee good and sufficient Security for a faithful Return of such Monies when collected.

13. That the Committee be accountable to the County for the Application of all Monies received from such public Officers.

14. That all these Officers hold their Commissions during the Pleasure of their respective Constitutents.

15. That this Committee will sustain all Damages that may ever hereafter accrue to all or any of these Officers thus appointed, and thus acting, on Account of their Obedience and Conformity to these Resolves.

16. That whatever Person shall hereafter receive a Commission from the Crown, or attempt to exercise any such Commission heretofore received, shall be deemed an Enemy to his Country; and upon Information being made to the Captain of the Company where he resides, the said Captain shall cause him to be apprehended, and conveyed before the two Select Men of the said Company, who, upon Proof of the Fact, shall commit him, the said Offender, to safe Custody, until the next sitting of the Convention, who shall deal with him as Prudence may direct.

17. That any Person refusing to yield Obedience to the above Resolves shall be deemed equally criminal, and liable to the same Punishments as the Offenders above last mentioned.

18. That these Resolves be in full Force and Virtue, until Instructions from the General Congress of this Province, regulating the Jurisprudence of this Province, shall provide otherwise, or the legislative Body of *Great Britain* resign its unjust and arbitrary Pretentions with Respect to *America*.

19. That the eight Militia Companies in this County do provide themselves with proper Arms and Accoutrements, and hold themselves in Readiness to execute the demands and Directions of the Provincial Congress, and of this committee.

20. That this committee do appoint Colonel *Thomas Polk*, and Doctor *Joseph Kennedy*, to purchase 300lb. of Powder, 600lb. of Lead, and



1000 Flints, and deposit the same in some safe Place, hereafter to be appointed by the committee.

*Signed by Order of the Committee.*

EPH. BREVARD, *Clerk of the Committee.*

Richard Cogdell enclosed a copy of *The North-Carolina Gazette* containing the foregoing resolutions to Richard Caswell, in attendance on the Continental Congress in Philadelphia, in a letter, dated "New Bern 18<sup>th</sup> June 1775", in which he said: "you'l Observe the Mecklinburg resolves, exceed all other Committees, or the Congress itself. I send you the paper wherein they are incerted as I hope this will come soon to hand."<sup>6</sup>

Governor Martin issued a proclamation June 16, 1775, wherein he denied the allegations made by the committees of the counties in the Wilmington district of designs on the part of the British Ministry and Parliament to enslave Americans and severely denounced the associators in North Carolina.<sup>7</sup>

On Tuesday, June 20, 1775, the several committees in the Wilmington district met in the court house in Wilmington, and unanimously chose Richard Quince, Sr., chairman. Among the matters taken up was Governor Martin's proclamation of the 16th, and a committee of three was appointed to answer it. On Wednesday, the 21st, this committee returned its answer "which was read and ordered to be printed in the public papers and in hand bills." The preamble closed with this language:

We, then, the Committees of the counties of New Hanover, Brunswick, Bladen, Duplin and Onslow, in order to prevent the pernicious influence of the said Proclamation, do, unanimously, resolve, that in our opinion, his Excellency Josiah Martin, Esq. hath by the said Proclamation, and by the whole tenor of his conduct, since the unhappy disputes between Great Britain and the colonies, discovered himself

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<sup>6</sup>This letter and newspaper are in the library at Hayes, the old Johnston home near Edenton.

<sup>7</sup>*Colonial Records of North Carolina*, X, 16-19.

to be an enemy to the happiness of this colony in particular, and to the freedom, rights and privileges of America in general.<sup>8</sup>

At a meeting of His Majesty's Council for North Carolina, held June 25, 1775, Governor Martin called the attention of the Council to the

sedition Combinations that have been formed, and are still forming in several parts of this Colony and the violent measures they pursue in compelling His Majesty's Subjects by various kinds of intimidations, to subscribe Associations, inconsistent with their Duty and allegiance to their Sovereign, The obliging People to frequent meetings in Arms, by the usurped Authority of Committees, the recent Assemblage of a Body of armed Men, in the town of Wilmington for the purpose of awing His Majesty's Loyal Subjects there into submission to the dictates of an illegal and tyrannical tribunal erected there under that name, and the late most treasonable publication of a Committee in the County of Mecklenburg, explicitly renouncing obedience to His Majesty's Government and all lawfull authority whatsoever.<sup>9</sup>

In a letter written at Fort Johnston June 30, 1775, Governor Martin detailed to the Earl of Dartmouth what had happened in North Carolina since his last despatch (No. 33). He recounted the causes which had induced him to issue his proclamation of June 16, enclosing a copy thereof, and wrote of the reply of the committees at Wilmington on the 21, as follows:

The News Paper enclosed will shew Your Lordship that the same spirit of Sedition and extravagance that gave cause to that Act of Government, has produced an impudent and formal contradiction of the undeniable truths it contains, under the authority of a Committee; proving irrefragably that People embarked in a bad cause, scruple not to avail themselves of the basest falsehoods, and calumnies to support it according to custom, and as the last effort of malice, and falsehood, Your Lordship will find this Publication prescribes me as an Enemy to this Province in particular, and to America in General.

Further on Governor Martin wrote:

The Minutes of Council held at this place the other day, will make the impotence of Government here as apparent to your Lordship, as anything I can set before you.

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<sup>8</sup>*Ibid.*, 27.

<sup>9</sup>*Ibid.*, 38-39.

In the next paragraph he wrote:

The Resolves of the Committee of Mecklenburg which Your Lordship will find in the enclosed News Paper, surpass all the horrid and treasonable publications that the inflammatory spirits of this Continent have yet produced; and Your Lordship may depend, its Authors and abettors will not escape my due notice, whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of Government. A Copy of these Resolves I am informed were sent off by express to the Congress at Philadelphia, as soon as they were passed in the Committee.<sup>10</sup>

Governor Martin marked this letter, or despatch, "No. 34."<sup>11</sup> In it he mentioned three enclosures: the proclamation of June 16, the minutes of the Council meeting of June 25, which he referred to twice, and a newspaper, which he referred to twice—the first time as containing the reply made by the Wilmington district committees June 21 to his proclamation of June 16, and the second time as containing the "Resolves of the Committee of Mecklenburg." The proclamation (endorsed: "In Governor Martins of the 30 of June 1775 No. 34") and the minutes of the Council are filed with the letter in the British Public Record Office, but the newspaper is missing. The original wrapper of the despatch, whereon there doubtless was the Earl of Dartmouth's usual endorsement as to who the letter was from, the number of enclosures, etc., is missing also and the following endorsement which does not state the number of enclosures, has been made on the back of the last page of the letter: "(Origl. mislaid) Gov<sup>r</sup>. Martin 30<sup>th</sup> June 1775. (No. 34.)" The following pencilled memorandum is also there: "Printed Paper taken out by Mr. Turner for Mr. Stevenson, August 15<sup>th</sup>, 1837."<sup>12</sup>

<sup>10</sup>These extracts have been taken from a photograph of the original letter, which is on file in the British Public Record Office, London. See also *Colonial Records of North Carolina*, X, 41-50.

<sup>11</sup>The writer has had the use of photographs of the entire letter.

<sup>12</sup>Andrew Stevenson was then United States minister to England. In the Public Record Office is also this memorandum: "1837 July 24. Sent to Mr. Backhouse, Foreign Office, North Carolina 1774-5-6-7. No.

That memorandum and the statements in Governor Martin's letter show that but one newspaper was sent, containing both the Wilmington and Mecklenburg resolutions. Unfortunately the Governor did not mention in his letter the title of the newspaper, but it is perfectly clear that it could only have been a paper issued between June 21 and 30. The two papers then publishing in Charles Town and the one at Williamsburg were all too far off to have received the news of the 21 and returned a printed paper to Fort Johnston by the 30. The next issue of *The South-Carolina and American General Gazette*, which appeared June 23, is not in the Charleston Library's file, but that was too soon after June 21 to have enabled the news to reach Charles Town. The succeeding issue was June 30, and does not contain that news either. The next issue of *The South-Carolina Gazette; And Country Journal* was June 27, and, even if it had contained the two sets of resolutions, it could not have reached Governor Martin by June 30, but it has already been shown that the Mecklenburg resolutions were published in the issue for June 13, and the files of that paper in the Charleston Library show that the Wilmington resolutions were not published therein until July 11.

The only papers near enough to have contained the Wilmington reply of June 21 were *The North-Carolina Gazette*,

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96. Returned to the State Paper Office 21 February 1839." It is apparent, therefore, that Mr. Turner got the paper from the Foreign Office. That he got it for his own use and not "for Mr. Stevenson" is amply attested by the following statement made in 1875 by United States Senator J. W. Stevenson, a son of Minister Stevenson, to a reporter for *The New York Herald* who had asked him if the paper was among the papers left by his father and then in the Senator's possession:

"That document is not among my father's papers, but in its stead is a memorandum which states that though the paper was withdrawn under the sanction of my father it was not withdrawn for his use, but for the use of another person whose name is there given." (See *The New York Herald*, May 15, 1875.)

of New Bern, and *The Cape Fear Mercury*, of Wilmington. These papers were issued every Friday. The only intervening issues, therefore, were those of June 23 and 30. It has already been shown that the New Bern paper of June 16 contained the Mecklenburg resolutions. It is hardly likely that they were repeated immediately. It is clear, therefore, that it was *The Cape-Fear Mercury* that Governor Martin enclosed to the Earl of Dartmouth, and, as Wilmington was too far from Fort Johnston for a paper issued there June 30 to have reached the Governor on the same day—in time to be twice mentioned in the lengthy letter in which the paper was enclosed to Dartmouth, that day—it is also clear that the date of the paper which Governor Martin sent to Dartmouth was June 23, 1775. This is confirmed by the following extracts from a proclamation which Governor Martin issued from “on board His Majesty’s Sloop *Cruizer* in Cape Fear River,” August 8, 1775:

Whereas I have seen a publication in the *Cape Fear Mercury* which appears to be proceedings of a General Meeting of People stiling themselves Committees of the District of Wilmington signed Richard Quince Senr Chairman, in which the well known and incontestible facts set forth in my Proclamation bearing date the 12<sup>th</sup> day of June last are most daringly and impudently contradicted, and the basest and most scandalous Seditious and inflammatory falsehoods are asserted evidently calculated to impose upon and mislead the People of this Province and to alienate their affections from His Majesty and His Government and concluding in the true spirit of licentiousness and malignity that characterizes the production of these seditious combinations with a resolve declaring me an Enemy to the Interests of this Province in particular and America in General.

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And whereas I have also seen a most infamous publication in the *Cape Fear Mercury* importing to be resolves of a set of people stiling themselves a Committee of the County of Mecklenburg most traiterously declaring the entire dissolution of the Laws Government and Constitution of this country and setting up a system of rule and regulation repugnant to the Laws and subversive of His Majesty’s Government.<sup>13</sup>

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<sup>13</sup>*Colonial Records of North Carolina*, X, 142, 144.



On July 6, 1775, Governor Martin wrote a letter ("No. 35") to Dartmouth wherein he said:

I have engaged Mr Alexr Schaw whom I have now the honor to introduce to your Lordship to charge himself with this Letter, and my Dispatch No. 34.<sup>14</sup>

On July 16 Governor Martin wrote ("No. 36") to Dartmouth:

Since the departure of Mr Schaw who was charged with my Dispatches to your Lordship No 34 and 35, Duplicates of which are herewith enclosed. . . . Having an opportunity of writing safely by a passenger in a Merchant's Ship, I could not let it escape me without giving your Lordship the Accounts contained in this letter relative to the operations of the Army at Boston.<sup>15</sup>

The passenger referred to was a Mr. Burgwine, and on September 15 Dartmouth wrote to Governor Martin:

I have received from the hands of Mr Burgwine your dispatches numbered 34, 35, 36, 37 & 38, the two first being Duplicates, the originals of which you mention to have been trusted to Mr Schaw, who has not yet appeared.<sup>16</sup>

The original despatches numbered 34 and 35 reached Dartmouth soon thereafter, and No. 34 is in the Public Record Office, as already mentioned. The duplicate thereof, which was enclosed in No. 36 is still in the collection left by the Earl of Dartmouth, and was described, with its enclosures, in a calendar of that collection which was published in 1895. It retains its original wrapper and thereon is endorsed "North Carolina. Fort Johnston, 30. June 1775. Governor Martin. N<sup>o</sup>. 34. (Duplicate original not rec<sup>d</sup>) R. Sept. 10. 1775. 3 Inclosures." Of these enclosures the minutes of the Council of June 25 is on file in the Public Record Office and is marked "Duplicate No. 36." The duplicate of the proclamation of June 16 is with the duplicate of the letter (No. 34) in the Dartmouth papers and in lieu of a duplicate copy of "the enclosed News Paper" there is a manuscript

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<sup>14</sup>Ibid., 70. <sup>15</sup>Ibid., 96, 98. <sup>16</sup>Ibid., 247.



copy of the Mecklenburg resolutions of May 31, 1775, which Governor Martin had said in his letter were printed in the "enclosed News Paper", and it is endorsed: "In Gov<sup>r</sup>. Martin's of the 30 of June, 1775. No. 34."

In a letter (No. 39) written from aboard the *Cruizer* in Cape Fear River August 28, 1775, Governor Martin said to the Earl of Dartmouth:

I have found myself defeated in almost every attempt I have made to correspond with the well affected people in the upper Country. All of them who have come down here to consult me about their safety, have been intercepted coming or going, and searched, detained, abused, and stript of any Papers they have had about them except a Messenger from a considerable Body of Germans, settled in the County of Mecklenburg, who brought me a loyal declaration against the Very extraordinary and traitorous resolves of the Committee of that County, of which I had the honor to transmit a copy to your Lordship with my last Dispatches.<sup>17</sup>

These resolutions, published in three contemporaneous newspapers of the section; Cogdell's comments thereon in his letter to Caswell; Governor Martin's comments thereon in his letter of June 30 and the duplicate thereof enclosed in his letter of July 16; the manuscript copy thereof which Martin enclosed in his duplicate letter of June 30 accompanying his letter of July 16, and Martin's remarks on the address of the German settlers of Mecklenburg all show beyond refutation that on May 31, 1775, the *committee* of Mecklenburg County declared the laws of the province of North Carolina wholly suspended in Mecklenburg County and, "for the better Preservation of good Order" formed "certain Rules and Regulations for the internal Government of this County" and provided for the selection of certain officers for the county "who shall hold and exercise their several Powers by Virtue of this Choice, and independent of *Great-Britain*, and former Constitution of this Province." This action was not taken with

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<sup>17</sup> *Colonial Records of North Carolina*, X, 231.

any view of declaring absolute independence of Great Britain, but, as the committee themselves declared in the preamble to their resolutions, "To provide in some Degree for the Exigencies of the County in the present alarming Period" when, according to the expressed views of the committee, all laws were suspended in America by the recent acts of the British parliament.

The Mecklenburg records now available are so meager that we are unable to say how many of the provisions of these resolutions were carried out, but it is certain that some of them were. That the inhabitants of the county formed themselves into a militia regiment, as directed, is attested by the fact that the Provincial Congress appointed Thomas Polk colonel, Adam Alexander lieutenant-colonel and John Davidson major thereof September 9, 1775.<sup>18</sup> The records do not show whether the convention of selectmen, which was to act as both an executive and a judicial body, was ever organized or not, but the records of the County Court of Mecklenburg show that that court, which had been established several years before, continued to be convened the third Tuesday in every January, April, July and October thereafter up to and including the July, 1776, term; that the same justices who had composed the court before the passage of these resolutions continued to sit thereon after the passage of these resolutions, and bound men over to keep "the peace to all his Majesty's liege subjects" and, even at their July, 1776, term continued the "crown" docket to the next term; that it was discontinued only after the passage of the Declaration of Independence, July 4, 1776, and that it was reorganized in January, 1777, after a new constitution had been adopted by North Carolina.<sup>19</sup>

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<sup>18</sup>Ibid., 206.

<sup>19</sup>See *Publications of the Southern History Association*, XI, 329-338.

Another evidence that the committee had not intended a secession from the mother country when they passed these resolutions is that at the meeting of the Provincial Congress in August and September following, wherein Mecklenburg was represented by Thomas Polk, John Phifer, Waightstill Avery, Samuel Martin, James Houston and John McKnitt Alexander, that body issued an "Address to the Inhabitants of the British Empire" wherein they avowed themselves loyal subjects of Great Britain, vehemently denied that independence was their object and called on the Almighty to witness that "it is our most earnest wish and prayer to be restored with the other United Colonies, to the State in which we and they were placed before the year 1763" and finally covered the Mecklenburg case with the following language:

Whenever we have departed from the Forms of the Constitution, our own safety and self preservation have dictated the expedient; and if in any Instances we have assumed powers which the laws invest in the Sovereign or his representatives, it has been only in defence of our persons, properties and those rights which God and the Constitution have made Unalienably ours. As soon as the cause of our Fears and Apprehensions are removed, with joy will we return these powers to their regular channels; and such Institutions formed from mere necessity, shall end with that necessity that created them.<sup>20</sup>

That address breathed the sentiments of the whole American people at that time—if we are to judge by their own repeated public and private utterances. But a year later it was different, and the country was ready for independence when the Continental Congress declared it. The home rule government which the committee had provided for Mecklenburg by the resolutions of May 31, 1775, now no longer acknowledged allegiance to the crown of Great Britain but to the State of North Carolina; the temporary independence became permanent, and there can be no doubt that the resolutions of May 31, 1775, very soon began to be referred to tradi-

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<sup>20</sup>*Colonial Records of North Carolina*, X, 201-203.

tionally (though erroneously) as a declaration of independence. That such was the case is evidenced by the fact that scattered through a period of about forty years thereafter we find in current records an occasional reference that indicates as much. The earliest of these is to be found in some reminiscences of the Revolution prepared by Traugott Bagge, of Salem, in the neighboring county of Surry, and is as follows:

I cannot leave unmentioned at the end of the 1775th year that already in the summer of this year, that is in May, June or July, the county of Mecklenburg declared itself free and independent of England, and made such arrangements for the administration of the laws among themselves, as later the Continental Congress made for all. This Congress, however, considered these proceedings premature.<sup>21</sup>

The next account we have of a declaration of independence is in some rough notes prepared by John McKnitt Alexander, of Mecklenburg, in 1800. It appears that his house was burned in April, 1800; that he claimed to have lost therein some records of the Mecklenburg committee's proceedings, and that some time between April 6 and September 3, 1800, he prepared these notes, which are as follows:<sup>22</sup>

On the 19th May 1775<sup>23</sup> Pursuant to the Order of Colo<sup>s</sup> Polk<sup>24</sup> to each Captain of Militia in his regiment of Mecklenburg County, to elect nominate and appoint 2 persons of their Militia company, cloathed with ample powers to devise ways & means to extricate themselves and ward off the dreadful impending storm bursting on them by the British Nation &c. &c.

<sup>21</sup>See *The Wachovia Moravian* for April, 1906, 2-3.

<sup>22</sup>The original notes in John McKnitt Alexander's handwriting are not now in evidence, but a copy thereof, which was made for Bancroft about 1855, is now in the New York Public Library and has been reproduced in fac-simile in *The Mecklenburg Declaration of Independence* (New York, 1907) by William Henry Hoyt, A.M. The copy here given has been made from Mr. Hoyt's fac-simile. The blank spaces show where parts of the original had been destroyed.

<sup>23</sup>Bancroft's copyist made explanatory notes to his copy. He states in one of these that a 6 was written through this 5.

<sup>24</sup>The copyist states that "Adam Alexander" was stricken out and "Thos Polk" written above.

Therefore on <sup>sd</sup> 19<sup>th</sup> May the <sup>sd</sup>. Committee met in Charlotte Town (2 men from each company) Vested with all powers these their constituents had or conceived they had &c.

After a short conference about their suffering brethren besieged and suffering every hardship in Boston and the American Blood running in Lexington &c. the Electrical fire flew into every breast and to preserve order Chosse Abraham Alex Esquire chairman & J. McK. A. Secretary<sup>25</sup> After a few Hour free discussion in order to give relief to suffering America and protect our Just & natural right

1<sup>st</sup>. We (the County) by a Solemn and awful vote, Dissolved<sup>26</sup> our allegiance to King George & the British Nation.

2<sup>d</sup>. Declared ourselves a free & independent people, having a right and capable to govern ourselves (as a part of North Carolina)

3<sup>d</sup>. In order to have laws as a rule of life—for our future Government We form<sup>27</sup> a Code of laws; by adopting our former wholesome laws.

4<sup>th</sup>. And as there was then no officers civil or Military in our County We Decreed that every Militia officer in <sup>sd</sup>. County should hold and occupy his former commission and Grade

And that every member present, of this Committee shall henceforth as a Justice of the Peace (in the) Character of a Committee  
M        hear and determine all Controversies agreeable to <sup>sd</sup>. laws—  
          peace Union & harmony in <sup>sd</sup>. County—and to use every  
          spread the Electrical fire of freedom among ourselves  
& w

5<sup>th</sup>. &c. &c. many other laws and ordinances were then made  
          after sitting up in the Court house all night—neither

After reading and maturing every paragraph they were all passed Nem-Con about 12 o'clock May 20 1775<sup>28</sup>

But in a few days (after cooling) a considerable part of <sup>sd</sup>. Committee Men convened and employed Capt<sup>n</sup>. James Jack (of Charlotte) to go express to Congress (then in Philadelphia) with a Copy of all <sup>sd</sup>. resolutions and Laws &c. and a letter to our 3 members there. Rich<sup>d</sup>. Caswell, W<sup>m</sup>. Hooper & Joseph Hughes in order to get Congress to sanction or approve them &c &c.

Capt<sup>n</sup>. Jack returned with a long, full, complasent letter from <sup>sd</sup>. 3 members, recommending our zeal perseverance order & forbearance

<sup>25</sup>The word Secretary is interlined above J. McK. A. and the initials are jammed up to After.

<sup>26</sup>The word abjured is written above Dissolved.

<sup>27</sup>ed on the end stricken out.

<sup>28</sup>The figures 180 were stricken out before 1775, showing that the writer had started to write 1800.



&c. (We were premature) Congress never had our sd. laws on their table for discussion, though said Copy was left with them by Capt<sup>n</sup>. Jack.

N. B. about 1787 Doctor Hugh Williamson (then of New York: but formerly was member of Congress from this state) applied

above by Colo. W<sup>m</sup>. Polk, who was then compiling a

in order to prove that the American people

in the Revolution and that Congress com

N. B. allowing the 19<sup>th</sup>. May to be a rash Act

effects in binding all the middle & west

firm whigs—no torys but

not fully represented in the

first

The next reference to the traditional declaration is in the following toast that was offered at a banquet held in Charlotte the night of July 4, 1808:

*By Jos. Pearson*—The Patriots of Mecklenburg: the first to declare Independence—May their sons be the last to acknowledge themselves slaves.<sup>29</sup>

The next reference is in the following extract from a valedictory address delivered at Sugar Creek Academy, Mecklenburg County, June 1, 1809, and printed in *The Minerva* (Raleigh) of August 10, 1809:

On the 19<sup>th</sup> of May 1776, a day sacredly exulting to every Mecklenburg bosom, two delegates duly authorized from every militia company in this county\* met in Charlotte—After a cool and deliberate investigation of the causes and extent of our differences with G. Britain, and taking a view of the probable result; pledging their all in support of their rights and liberties; they solemnly entered into and published a full and determined *declaration* of independence, renouncing forever all allegiance, dependence on or connection with Great Britain; dissolved all judicial and military establishments emanating from the British crown; established others on principles correspondent with their declaration, which went into immediate operation: All which were transmitted to Congress by express, and probably expedited the general declaration of Independence. May we ever act worthy of such predecessors.<sup>30</sup>

<sup>29</sup>See *The Raleigh Register*, July 28, 1808.

<sup>30</sup>To the asterisk in the foregoing extract the following note appeared in *The Minerva*: “\*The present county of Cabarrus was then included in Mecklenburg.”



The next discussion of this traditionary declaration was brought forth by a discussion which arose over a statement in Wirt's *Life of Patrick Henry*, which appeared in 1817. Wirt claimed that Henry "gave the first impulse to the ball of the Revolution," and the discussion was as to whether the earliest movements toward independence took place in Virginia or in Massachusetts. During the session of Congress of 1818-19 this controversy was a topic of conversation among congressmen, and members from North Carolina, recalling the Mecklenburg tradition, avowed that Mecklenburg County had declared independence in May, 1775, but were unable to furnish any proof of the truth of their assertions. Senator Macon showed considerable interest in the matter, and Representative Davidson wrote to Dr. Joseph McKnitt Alexander, a son of John McKnitt Alexander who had fostered the tradition for so many years, but who had died July 10, 1817, for information. In reply Dr. Alexander sent Davidson a paper which he gave to Senator Macon who sent it to the *Raleigh Register and North Carolina Gazette*<sup>31</sup> wherein it was published April 30, 1819, as follows:

It is not probably known to many of our readers, that the citizens of Mecklenburg County, in this State made a Declaration of Independence more than a year before Congress made theirs. The following Document on the subject has lately come to the hands of the Editor from unquestionable authority, and is published that it may go down to posterity.

North-Carolina, Mecklenburg County,

May 20, 1775.

In the spring of 1775, the leading characters of Mecklenburg county, stimulated by that enthusiastic patriotism which elevates the mind above considerations of individual aggrandisement, and scorning to shelter themselves from the impending storm by submission to lawless power, &c &c held several detached meetings, in each of which the individual sentiments were "that the cause of Boston was the cause of all; that their destinies were indissolubly connected with those of their Eastern fellow-citizens—and that they must either submit to all the

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<sup>31</sup>See Hoyt's *The Mecklenburg Declaration of Independence*, 1-3.

impositions which an unprincipled, and to them an unrepresented parliament might impose—or support their brethren who were doomed to sustain the first shock of that power, which, if successful there, would ultimately overwhelm all in the common calamity. Conformably to these principles, Col. Adam Alexander, through solicitation, issued an order to each Captain's Company in the county of Mecklenburg, (then comprising the present county of Cabarrus) directing each militia company to elect two persons, and delegate to them ample power to devise ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm, and to secure unimpaired their inalienable rights, privileges and liberties from the dominant grasp of British imposition and tyranny.

In conforming to said Order, on the 19th of May, 1775, the said delegation met in Charlotte, vested with unlimited powers; at which time official news, by express, arrived of the Battle of Lexington on that day of the preceding month. Every delegate felt the value and importance of the prize, and the awful and solemn crisis which had arrived—every bosom swelled with indignation at the malice, inveteracy and insatiable revenge developed in the late attack at Lexington. The universal sentiment was: let us not flatter ourselves that popular harangues—or resolves; that popular vapor will avert the storm, or vanquish our common enemy—let us deliberate—let us calculate the issue—the probable result; and then let us act with energy as brethren leagued to preserve our property—our lives,—and what is still more endearing, the liberties of America. *Abraham Alexander* was then elected Chairman, and *John M'Knitt Alexander*, Clerk. After a free and full discussion of the various objects for which the delegation had been convened, it was unanimously Ordained—

1. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form or manner countenanced the unchartered and dangerous invasion of our rights, as claimed by Great-Britain, is an enemy to this Country,—to America,—and to the inherent and inalienable rights of man.

2. *Resolved*, That we the citizens of Mecklenburg County, do hereby dissolve the political bands which have connected us to the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract or association with that Nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3. *Resolved*, That we do hereby declare ourselves a free and independent People, are and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that

of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.

4. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this County, We do hereby ordain and adopt, as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the Crown of Great-Britain never can be considered as holding rights, privileges, immunities or authority therein.

5. *Resolved*, That it is also further decreed, that all, each and every military officer in this county is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz: a Justice of the Peace, in the character of a '*Committee man*,' to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony in said County,—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

A number of bye-laws were also added, merely to protect the association from confusion and to regulate their general conduct as citizens. After sitting in the Courthouse all night, neither sleepy, hungry, or fatigued, and after discussing every paragraph, they were all passed, sanctioned and declared *unanimously*, about 2 o'clock, A. M. May 20. In a few days a deputation of said delegation convened, when Capt. *James Jack* of Charlotte was deputed as express to the Congress at Philadelphia, with a copy of said Resolves and Proceedings, together with a letter addressed to our three Representatives there, viz: *Richard Caswell*, *Wm. Hooper* and *Joseph Hughes*—under express injunction, personally, and through the state representation, to use all possible means to have said proceedings sanctioned and approved by the general Congress. On the return of Capt. Jack, the delegation learned that their proceedings were individually approved by the members of Congress, but that it was deemed premature to lay them before the House. A joint letter from said three members of Congress was also received, complimentary of the zeal in the common cause, and recommending perseverance, order and energy.

The subsequent harmony, unanimity and exertion in the cause of liberty and independence, evidently resulting from these regulations, and the continued exertion of said delegation, apparently tranquilised this section of the State, and met with the concurrence and high approbation of the Council of Safety, who held their sessions at Newbern

and Wilmington alternately, and who confirmed the nomination and acts of the delegation in their official capacity.

From this delegation originated the Court of Enquiry of this County, who constituted and held their first session in Charlotte—they then held their meetings regularly at Charlotte, at Col. James Harris's and at Col. Phifer's alternately one week at each place. It was a civil Court founded on military process. Before this judicature all suspicious persons were made to appear, who were formally tried and banished, or continued under guard. Its jurisdiction was as unlimited as toryism, and its decrees as final as the confidence and patriotism of the County. Several were arrested and brought before them from Lincoln, Rowan and the adjacent counties—

[The foregoing is a true copy of the papers on the above subject, left in my hands by John M'Knitt Alexander dec'd; I find it mentioned on file that the original book was burned April, 1800. That a copy of the proceedings was sent to Hugh Williamson in New York, then writing a History of North-Carolina, and that a copy was sent to Gen. W. R. Davie.

J. M'KNITT.]<sup>32</sup>

This production, however, is entirely inconsistent with the history of the time, both as to America in general and North Carolina in particular, as revealed by the authentic contemporary records. There is not one contemporary record in evidence to sustain it. The traditionary references to a declaration of independence heretofore quoted are neither contemporaneous nor specific, and will apply as readily to the authenticated resolutions of May 31 as to this alleged declaration of May 20. Neither Bagge nor Pearson states that the declaration to which they refer was passed *May 20, 1775*, by a *convention*. John McKnitt Alexander gave May 20 as the date of the passage of the declaration that he so poorly jotted down what he recalled concerning, but he stated that it was passed by a *committee* and gave none of the words of the declaration. The valedictory address follows Alexander's notes as to the day of the meeting—in fact the reference opens exactly as the amended notes opened: "On the 19th of May 1776"—but gives nothing specific in addition. A perusal of the entire

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<sup>32</sup>From the files in the Library of Congress.

address at once discloses that it was written by a person of mature years, and, as the teacher of the Sugar Creek Academy, Samuel C. Caldwell, was a son-in-law of John McKnitt Alexander, it is evident that this reference to the declaration came from the same source as the rough notes of 1800. The resolutions of May 31 preclude the possibility of any such action having been taken on May 20. The resolutions provided for the organization of the people of Mecklenburg into a regiment of militia at a future date. It is evident that the colonel of the regiment could not have called a convention of two men from each company when there were as yet no companies. The resolutions provided for the organization of a convention of two selectmen from each of these companies after their organization. It is further evident that this convention could not have been called together at a date prior to May 31 when provision was made for its organization. This narrative asserts that John McKnitt Alexander was secretary of the convention which passed the declaration. These resolutions show that Ephraim Brevard was clerk of the committee. The narrative asserts that Abraham Alexander was chairman of the convention. The following certificate, which has been published in several historical works, shows that he was "Chairman of the Committee of P. S." for Mecklenburg County:

North Carolina, Mecklenburg County, }  
November 28, 1775. }

These may certify to all whom they may concern, that the bearer hereof, William Henderson, is allowed here to be a true friend to liberty, and signed the Association.

Certified by

Abr'm Alexander, Chairman  
of the Committee of P. S.

It will be observed that parts of this "declaration" bear close resemblance to parts of the national Declaration of Independence; in fact the combinations of words "inherent and inalienable rights," "dissolve the political bands which have



connected," "all allegiance," "all political connection," "free and independent," "are and of right ought to be," "pledge to each other" and "our lives, our fortunes, and our most sacred honor" are taken verbatim therefrom. That fact, together with the fact that there had never been any widespread knowledge of the Mecklenburg traditionary declaration, raised doubts as to the genuineness of this paper. Had John McKnitt Alexander's rough notes of 1800 and the valedictory address been brought into evidence at that time, those doubts would have been increased, as critical observers would have seen at once that those two papers and the national Declaration had furnished nearly all of the material from which both the narrative and the "declaration" had been constructed. But, as none of the records which have been cited here to show exactly what it was that Mecklenburg County adopted in May, 1775, were then in evidence, and as there were many people alive who had personally witnessed the passage of what they had long regarded as a declaration of independence, there were many who readily accepted this paper as authentic. Some of those who had witnessed the proceedings in May, 1775, made statements.

One of the first of these was Col. William Polk, who was sixteen years old in May, 1775. He stated in a letter to Judge Archibald DeBow Murphey, August 18, 1819, that he could not vouch for the accuracy of the resolutions in the paper which he enclosed (a copy of the foregoing narrative and "declaration"), and which he said he had procured from Dr. Joseph McKnitt Alexander, but that they were "essentially correct." The *Raleigh Register* for February 18, 1820, published a further statement to the effect that Colonel Polk vouched for "the correctness of the facts generally, though he thought there were errors as to the name of the Secretary," etc. There is nothing in Colonel Polk's statements to prove that the declaration he witnessed the passage of was passed by



a *convention May 20*. The imperfect knowledge which he displayed might easily apply to the resolutions of May 31, and his statement as to the secretary *is* in accord therewith. The paper which he sent Judge Murphey was revised by the Judge and published in *The Hillsboro Recorder* in March, 1821.

The next witness was Rev. Francis Cummins. He stated in a letter to Senator Macon, November 16, 1819, that he was a young man in Mecklenburg in 1775, and that "in the same year 1775, I think positively before July 4th, 1776, the males generally of that county met on a certain day in Charlotte, and from the head of the court-house stairs proclaimed Independence of English Government, by their herald Col. Thomas Polk." He stated that he was present, but did not take and keep the date and could not be particular as to that; that Rev. Hezekiah James Balch, Waightstill Avery, Hezekiah and John McKnitt Alexander and Col. Thomas Polk were the leading characters "in this business," and that Captain James Jack "was sent with the account of these proceedings to Congress, then in Philadelphia." He did not say that the "declaration" published in the *Raleigh Register* was the one he saw passed, or that it was passed *May 20* by a *convention*. What he said could easily apply to the resolutions of May 31, and his statement as to Captain Jack corroborates the statement in Governor Martin's letter of June 30, 1775, that a copy of those resolutions had been sent to Philadelphia as soon as they were passed.

Captain Jack was appealed to and in a letter to Senator Macon, December 7, 1819, said that he had seen "in the news papers some pieces respecting the Declaration of Independence by the people of Mecklenburg County, in the State of North Carolina, in May, 1775"; that at that time he resided in Charlotte and had been "privy to a number of meetings of

some of the most influential and leading characters of that county on the subject, before the final adoption of the resolutions"; that "among those who appeared to take the lead, may be mentioned Hezekiah Alexander, who generally acted as Chairman, John McKnitt Alexander, as Secretary, Abraham Alexander, Adam Alexander, Maj. John Davidson, Maj. (afterwards Gen.) Wm. Davidson, Col. Thomas Polk, Ezekiel Polk, Dr. Ephraim Brevard, Samuel Martin, Duncan Ochiltree, William Willson, Robert Irwin"; that "when the resolutions were finally agreed on, they were publickly proclaimed from the court house door in the town of Charlotte"; that he proceeded to Philadelphia in June and delivered the "Mecklenburg Declaration of Independence of May, 1775, to Richard Caswell and William Hooper, the Delegates to Congress from the State of North Carolina; that court was in session when he passed through Salisbury. Although he had seen the "pieces" in the papers he did not say that the "declaration" included in those "pieces" accorded with his recollection of that which he took to Philadelphia, nor did he mention a *convention* or *May 20*. He said he carried the declaration to Philadelphia in June. Governor Martin said the resolutions of May 31 were sent to Philadelphia "as soon as they were passed in the Committee." The Rowan court records show that court was held in Salisbury from the 1st to the 6th of June. Jack's statement accords with Martin's and the court records. It is evident that he took the resolutions of May 31 to Philadelphia.

John Simeson, Sr., stated in a letter to Colonel Polk, January 20, 1820, that he had conversed with many of his old friends and others "and all agree in the point, but few can state the particulars"; that, "in the language of the day, every Province had its Congress, and Mecklenburg had its

county Congress, as legally chosen as any other, and assumed an attitude until then without a precedent"; that Colonel Thomas Polk, "as commanding officer of the county, issued orders to the Captains to appoint two men from each company to represent them in the Committee"; that he could not remember all of the committee men but that Neill Morrison, John Flenniken, Charles Alexander, John McKnitt Alexander, Hezekiah Alexander, Abraham Alexander, John Phifer, David Reese, Adam Alexander, Dickey Barry and John Queary were some of them; that he thought Dr. Brevard drew the "declaration"; that it was "in substance and form, like that great national act agreed on thirteen months after"; that the action was taken towards the close of May, 1775; that the "committee appointed three men to secure all the military stores for the county's use—Thomas Polk, John Phifer, and Joseph Kennedy"; that he was "near the head of the line, near Colonel Polk, and heard him distinctly read a long string of Grievances, the Declaration and Military Order above." He admitted that he could remember very little, but made several statements that apply forcibly to the resolutions of May 31. (See resolution 20 in regard to the military stores.) The "long string of Grievances" are in the resolutions of May 31 and the "Military Order" is there. They are not in the Alexander "declaration." He did not mention *May 20* or a *convention*, but said *committee*.

The *Raleigh Register* of February 18, 1820, published a certificate from George Graham, William Hutchinson, Jonas Clark and Robert Robinson reciting that they were in Charlotte May 19, 1775, "when two persons elected from each Captain's Company in said county, appeared as Delegates, to take into consideration the state of the country, and to adopt such measures as to them seemed best, to secure their lives, liberty, and property, from the storm which was gathering,

and had burst upon their fellow-citizens to the Eastward, by a British Army, under the authority of the British King and Parliament"; that "the order for the election of Delegates was given by Col. Thomas Polk, the commanding officer of the militia of the county, with a request that their powers should be ample, touching any measure that should be proposed"; that to the best of their recollection the meeting took place in the court-house about 12 o'clock and Abraham Alexander was chosen chairman and Dr. Ephraim Brevard secretary; that the "delegates continued in session until in the night of that day" and "on the 20th they again met" and a committee read some resolves "which went to declare themselves, and the people of Mecklenburg County, Free and Independent of the King and Parliament of Great Britain"; that "from thenceforth, all allegiance and political relation was absolved between the good people of Mecklenburg and the King of Great Britain"; that the "Declaration was signed by every member of the Delegation"; that they were not, "at this late period, able to give the names of all the Delegation," but could safely declare Thomas Polk, Abraham Alexander, John McKnitt Alexander, Adam Alexander, Ephraim Brevard, John Phifer, Hezekiah James Balch, Benjamin Patton, Hezekiah Alexander, Richard Barry, William Graham, Matthew McClure, Robert Irwin, Zacheus Wilson, Neil Morrison, John Flenniken, John Queary and Ezra Alexander to have been thereof; that "in a few days" after the meeting Capt. James Jack carried the resolutions to Philadelphia; that "a Committee of Safety for the county was elected" and that its acts "were received as the Civil Law of the land in many cases." It is evident from the verbiage of that certificate that those who gave it refreshed their memories to a considerable extent from the publication in the *Raleigh Register*. Nevertheless they put into it some nuggets of truth that will not harmonize with

that publication near so well as with the resolutions of May 31. They said that Colonel Polk was colonel of the militia regiment of the county and that Ephraim Brevard was the secretary of the meeting which they *did not* term a *convention*. They said the delegates "on the 20th again met." They did not remember an all-night session of delegates free from hunger and fatigue and a 2 a. m. unanimous vote on the 20th. They had an indistinct recollection of the truth, as it is revealed by the heading put to the copies of the resolutions of May 31 sent to the gazettes: "Charlotte-Town, Mecklenburg County, May 31, 1775. *This day the Committee of this county met, and passed the following resolves.*" They did not say that the resolutions in the *Raleigh Register* were what they heard read that day. They said the resolutions "went to declare" independence, not that they declared it.

The foregoing statements and letters were published in a pamphlet by J. Gales & Son, Raleigh, 1822.

The next memory witness was Reverend Humphrey Hunter who wrote his Revolutionary recollections to a friend who had requested it. He said that Colonel Polk had issued orders to the several companies to select two men from each company to meet at the court house May 19, 1775, for consultation; that a larger number met on the day appointed; that there was some difficulty in choosing the "commissioners," as it would have made the meeting "too numerous" to have chosen all thought worthy; that the following were selected, and styled Delegates," according to the best of his recollection: Abraham Alexander, Thomas Polk, Richard Harris, Sr., Adam Alexander, Richard Barry, John McKnitt Alexander, Neil Morrison, Hezekiah Alexander, Hezekiah J. Balch, Zacheus Wilson, John Phifer, James Harris, William Kennon, John Ford, Henry Downs, Ezra Alexander, William Graham, John Queary, Charles Alexander, Waightstill Avery,



Ephraim Brevard, Benjamin Patton, Matthew McClure, Robert Irwin, John Flenniken and David Reece; that Abraham Alexander was made chairman and John McKnitt Alexander and Ephraim Brevard secretaries. He gave a copy of the "declaration" which had appeared in the *Raleigh Register* and followed it with comments which clearly show that he drew upon that newspaper article for his narrative.

About 1825 the Alexander "declaration" underwent another evolution. A broadside appeared containing the first three resolutions thereof, with the names appended thereto of Abraham Alexander, Chairman; J. M. Alexander, Secretary; Adam Alexander, Hezekiah Alexander, Ezra Alexander, Charles Alexander, Waightstill Avery, Ephraim Brevard, Hezekiah J. Balch, Richard Barry, John Davidson, William Davidson, Henry Downs, John Flenniken, John Ford, William Graham, James Harris, Robert Irwin, William Kennon, Matthew McClure, Neill Morrison, Samuel Martin, Duncan Ochiltree, John Phifer, Thomas Polk, Ezekiel Polk, Benjamin Patton, John Queary, David Reese, Zacheus Willson and William Willson as signers of the "declaration". The alleged copy of the "declaration", which Alexander had furnished to Davidson, contained no signatures and the only mention of signers in documents then in evidence was that made in the certificate by Graham, Hutchinson, Clark and Robinson. This broadside contained the name of every man who had been mentioned by any of the memory witnesses as having anything to do with the "convention," or committee. It bore many internal evidences of not being a contemporary publication, and, much faith having been put in its authenticity by the super-credulous, its compiler, Dr. J. G. M. Ramsey, and printer, F. S. Heiskell, stated that it had been printed in Knoxville, Tenn., "in 1825 or thereabouts." The minutes of the county court of Mecklenburg for the July and October, 1775, and Janu-

ary, April and July, 1776, terms show that Robert Harris, Abraham Alexander, Robert Irwin, Richard Barry, John Foard, Hezekiah Alexander and Adam Alexander, all alleged "signers" of the "declaration," sat as justices during that time; and, notwithstanding the "declaration" they are alleged to have signed in May, 1775, held court in the name of the Crown.

On October 11, 1827, James Johnson, of Knox County, Tenn., certified to the best of his recollection that "in the month of May, 1775, there were several meetings in Charlotte concerning the impending war"; that being young he was not called upon to take an active part, but that he positively remembered that Mecklenburg County held a "convention," declared independence and "sent a man to Philadelphia with the proceedings." He did not say this was done *May 20*, and did not say that the "declaration" was in the same words as the Alexander production.

July 4, 1828, *The Charleston Mercury* published another version of the "declaration" slightly different in verbiage from all previous versions. The contribution was signed "Guilford." In November of the same year another slightly different version appeared in Garden's *Anecdotes of the American Revolution*, but it is plainly to be seen upon comparing the Guilford and Garden versions that the latter was revised from the former.

In 1829 Judge F. X. Martin, of Louisiana, published a history of North Carolina in which he incorporated this "declaration." It is clear from the context, the circumstances under which it appeared, and the absence of accurate references to the source from which it was obtained, despite the claim in his preface that his work had been prepared twenty years before, that this version of the "declaration" was obtained after the other chapters of his work had been pre-

pared, and the correspondence of Judge Murphey, now in evidence, shows that Martin used the version Judge Murphey published in 1821.

In the same year that Martin's history appeared Thomas Jefferson's works were published, and therein was found a letter from Jefferson to John Adams in which Jefferson declared that this "declaration" was spurious and that he had never heard of it before. Letters of Adams and additional letters of Jefferson still in manuscript show that Adams fully agreed with Jefferson. Jefferson's letter aroused renewed interest in the matter in North Carolina and drew from Dr. Joseph McKnitt Alexander the following contribution, which appeared in *The Yadkin and Catawba Journal*, of Salisbury, of November 9, 1830, under the caption "Declaration of Independence, by the citizens of Mecklenburg County (then including Cabarrus) North Carolina, on the 20th day of May, 1775", and over his full signature:

Estimating this transaction as giving the primary impulse to our national independence; as directly operative in producing the Declaration subsequently made by the Legislature of North Carolina; then by the Legislature of Virginia; and perfected on the 4th of July, 1776, by our National Congress; it becomes a matter of high importance to establish the fact, that the citizens of Mecklenburg county, through their delegates, on the 20th of May, 1775, drew up, signed and promulgated a Declaration of Independence of the British Government, and transmitted the same to the Congress of the United States for their approbation.

In claiming this as the patriotic achievement of our forefathers, we wish to derogate nought from the patriotism and energy of any State, or of any individual on earth, but at the same time, we feel bound, by the most sacred obligations of truth and justice, to guard this our birth-right with vigilance.

To every ingenious mind, the difficulty is at once obvious of establishing by *positive* proof, such a transaction, 55 years after its occurrence, when no record of the transaction could be *officially* kept; when a long Revolutionary war supervened; the place of its occurrence, for a season, being in the occupation of the enemy; when all the delegates are in

the silent grave,<sup>33</sup> and when the validity of the transaction has never been called in question until Mr. Jefferson, in a letter of his recently published, pronounced it "a spurious and unjustifiable quiz";—but difficult as the task may appear, we dread not to meet the closest scrutiny. [Here follow resumes of the certificate of Graham, Hutchinson, Clark and Robinson and the statements of Simeson, Cummins and Jack. These are followed by a resume of a certificate from William S. Alexander, a resume of the statement in Hunter's journal, resumes of statements by Joseph Graham and John Davidson, resumes of certificates by Isaac Alexander and Samuel Wilson, and a resume of the statement by James Johnson.]

There is now a paper in my possession, written and signed by J. M. Alexander, and purports to be extracted from the old minutes, &c. Of this there is no date to show when these extracts were made, the introductory part is similar, as far as it goes, to that placed in the hands of Gen. Davie. The Resolves entered into, are in this extract noticed as follows: [Here follows a resume of the John McKnitt Alexander rough notes of 1800.]

I hold these papers, certificates, &c., subject to the inspection of any one desirous of examining them.

From the proceeding certificates, it appears most probable that there were drawn up by a select committee, a declaration of grievances and a formal Declaration of Independence, which, if so, was the paper sent on by Captain Jack to Congress; the original of which is lost to us through the death, shortly afterwards, of Dr. Ephraim Brevard, the Chairman of the Committee, and by the occupation of Charlotte by Cornwallis, where the Dr. lived, and where his papers probably were. But be this as it may, we have an authentic copy of these resolves and bye-laws mentioned in so many of the certificates, in the handwriting of John McKnitt Alexander, and certified by him as Clerk, which had been by him deposited with Gen. Wm. R. Davie, for the use of some future historian; and after the death of the General, procured and deposited with us, by Dr. Samuel Henderson, now Clerk of the Superior Court of this County. [Here follow the resolutions that he had furnished to Davidson and Polk in 1819, and which had been published in *The Raleigh Register* and *The Hillsboro Recorder*.]

These Resolves having been concurred in, bye-laws and regulations for the government of a standing Committee of Public Safety were enacted and acknowledged, &c. &c. The whole proceedings of the delegation, though interesting, are too long for this publication; but to show, in accordance with Gen. Graham's certificate, as to Dunn and

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<sup>33</sup>He overlooked the fact that Major John Davidson, an alleged "Signer" of the "declaration" was still alive and had lately made a statement for him.

Booth, that municipal authority was assumed and acted on by the Committee of Public Safety, I will only copy a certificate now in my possession, viz: [Here follows the certificate, already quoted, from Abraham Alexander, Chairman, relative to William Henderson and following that is a digression to acts and doings of the Provincial Congress of North Carolina in 1776 that have not the remotest bearing on the acts and doings of Mecklenburg County in May, 1775. The contribution then closes with a few remarks criticising Thomas Jefferson.]

Joseph McKnitt Alexander.

Joseph Graham, in a letter to Dr. Alexander, October 4, 1830, said he would give "the details of the Mecklenburg Declaration of Independence on the 20th of May, 1775," as well as he could recollect them "after a lapse of fifty-five years"; that he was present on the occasion, "a lad about half grown"; that during the winter and spring preceding several popular meetings were held in Charlotte at which papers were read, grievances stated and public measures discussed; that on the 20th of May, 1775, "besides the two persons elected from each militia company (usually called Committee-men), a much larger number of citizens attended in Charlotte than at any former meeting"; that the news of the battle of Lexington had arrived; that the "committee were organized in the Court-house by appointing Abraham Alexander, Esq. Chairman, and John McKnitt Alexander, Esq. Clerk or Secretary to the meeting"; that after the usual reading of papers and much animated discussion "they resolved to declare themselves independent"; that "among other reasons offered" was one "that the King or Ministry had, by proclamation or some edict, declared the Colonies out of the protection of the British Crown"; that Doctor Brevard, Mr. Kennon and a third person whom he could not recall were appointed to draft the declaration and retired from the court house, but that while they were out the "committee continued in session in it"; that upon the return of the "sub-committee" Dr. Brevard



"read their report, as near as I can recollect, in the very words we have since seen them several times in print"; that the instrument was read at the court house door; that he understood afterwards that Captain Jack "undertook, on request of the committee, to carry a copy of their proceedings to Congress" and that on his way, at Salisbury Mr. Kennon publicly read the declaration, which was approved by the crowd present. It is evident that Graham's memory had been much refreshed by the publications he had been reading, but, notwithstanding that, the facts that had imbedded themselves in his memory *would* come forth occasionally. He remembered that the body that passed the declaration was a *committee* and not a *convention*. The only reason he could remember of all those assigned why independence should be declared was "that the King or Ministry had, by proclamation or some edict, declared the Colonies out of the protection of the British Crown," and that is the very reason why the resolutions of May 31 were adopted, as set forth in the preamble thereto.

Major Davidson, in a letter to Dr. Alexander, October 5, 1830, said that he had been a member of the "Convention" and that he was the sole survivor thereof, but that "being far advanced in years" and not having his "mind frequently directed to that circumstance for some years" he could give "but a very succinct history of that transaction"; that "there were two chosen from each captain's company, to meet in Charlotte, to take the subject into consideration"; that when they met "a motion was made to declare ourselves independent of the Crown of Great Britain," which was carried by a large majority; that Dr. Brevard prepared the "sketch of the Declaration of Independence" and that Captain Jack took it to Philadelphia. The only participant in the proceedings who has ever made a statement in regard thereto since the publication of the Alexander "declaration" did not proclaim that

the declaration he had assisted in the passing of. He did not say that it was done *May 20, 1775*.

The certificate which Dr. Alexander alleged that he had from William S. Alexander was to the effect that he "was in Philadelphia in the Spring of 1775," and that "on the day General Washington left that city to take command of the American army in the north" he met Captain Jack who told him that Mecklenburg County "had declared themselves independent of the Government of Great Britain, and that they had sent him on express with their Declaration, to Congress," and that he had delivered it to the North Carolina delegation in Congress. He said nothing that could not be applied to the resolutions of May 31 as the declaration that Jack told him of.

Isaac Alexander and Samuel Wilson, who had also witnessed the proceedings in May, 1775, also gave certificates to Dr. Alexander reciting the fact that they had been present when the declaration was passed. Alexander gave the dates May 19 and 20, and thought that the "declaration" furnished by Dr. Alexander was what he had seen adopted. Wilson was not definite in his statements. Their testimony, like that of all of the others will apply as readily to the authenticated resolutions of May 31 as to the "declaration" of May 20, which is unsupported by a single contemporary document or reference.

The General Assembly of North Carolina at the session of December, 1830—January, 1831, appointed a special committee to examine the evidence bearing on the Mecklenburg "declaration" and other matters and report the result of their work. The report expressed the belief that Mecklenburg County did pass the "declaration" that Dr. Alexander had furnished to Davidson in 1819. It was then resolved that the Governor "be directed to cause to be published in pamphlet form" the report of the special committee, "the Mecklen-

burg Declaration, with the names of the Delegates composing the meeting"; the statements of the memory witnesses heretofore cited, and other papers bearing on other matters. In carrying out the resolutions of the General Assembly Governor Stokes engaged David L. Swayne, a judge of the Superior Court, to edit the pamphlet. His preface thereto is a resume of the evidence bearing on the Alexander "declaration" and an argument for its authenticity. The "names of the delegates present" are declared to be Thomas Polk, Ephraim Brevard, Hezekiah J. Balch, John Phifer, James Harris, William Kennon, John Ford, Richard Barry, Henry Downs, Ezra Alexander, William Graham, John Queary, Abraham Alexander, John McKnitt Alexander, Hezekiah Alexander, Adam Alexander, Charles Alexander, Zacheus Wilson, Sr., Waightstill Avery, Benjamin Patton, Matthew McClure, Neil Morrison, Robert Irwin, John Flenniken, David Reese, Richard Harris, Sr. No information whatever is given as to where this list was obtained, or how it was compiled. If there is anywhere in any contemporary record a mention of the names of the Mecklenburg committee, or of the convention of selectmen provided for by the resolutions of May 31, it has never been put in evidence. It is quite certain that this list was compiled from the various lists given by the memory witnesses. It differs from the list compiled by Ramsey for his broadside in 1825, and contains fewer names than were mentioned by the memory witnesses. Some names had doubtless been edited out to avoid dilemmas. William Davidson and Samuel Martin, for instance, were citizens of Rowan County and Ezekiel Polk, of South Carolina. John Davidson was probably left out because his memory had not been clear enough on what the convention of which he claimed to have been a member did. William Kennon was a citizen of Rowan County and should not have been on this list.

Waightstill Avery could not have been present, for his fee book, which is extant, shows that during the month of May, 1775, he was in attendance upon the courts of Rowan, Guilford and Surry Counties, and the Rowan court records show that he was appointed "Attorney for the Crown" at Salisbury August 2, 1775. There was no such person as Richard Harris, Sr. There was a Robert Harris in Mecklenburg taking a conspicuous part in public affairs in 1775. John Foard's name is misspelled in the pamphlet. Following the "names of the delegates present" is a copy of the Alexander "declaration." Following this are the exhibits. The first (A) is a reprint of the article in the *Raleigh Register* of April 30, 1819. Following this is the following certificate (B):

I, Samuel Henderson, do hereby certify, that the paper annexed was obtained by me from Maj. William Davie in its present situation, soon after the death of his father, Gen. William R. Davie, and given to Doct. Joseph M'Knitt by me. In searching for some particular paper, I came across this, and knowing the handwriting of John M'Knitt Alexander, took it up and examined it. Maj. Davie said to me (when asked how it became torn) his sisters had torn it, not knowing what it was.

Given under my hand, this 25th Nov. 1830.

Sam. Henderson.

To this certificate there is the following note:

To this certificate of Doct. Henderson is annexed the copy of the paper A, originally deposited by John M'Knitt Alexander in the hands of *Gen. Davie*, whose name seems to have been mistaken by Mr. Jefferson for that of *Gov. Caswell*. \* \* \* This paper is somewhat torn, but is entirely legible, and constitutes the "solemn and positive proof of authenticity," which Mr. Jefferson required, and which would doubtless have been satisfactory, had it been submitted to him.

The certificate of William S. Alexander, who was then dead, was not printed in the pamphlet, but, in its stead, there is a certificate from Alphonso Alexander, Amos Alexander and J. M'Knitt that they had often heard him say that he

had met Jack in Philadelphia and learned from him that he "was there as the agent or bearer of the Declaration of Independence made in Charlotte, on the twentieth day of May, seventeen hundred and seventy-five, by the citizens of Mecklenburg, then including Cabarrus, with instructions to present the same to the Delegates from North Carolina, and by them to be laid before Congress." A glance at that certificate shows that the affiants were more than "willing" witnesses. Captain Jack *could* not have told William S. Alexander all that they certify that he told them Jack said, nor does this certificate accord with what is credited to him in *The Yadkin and Catawba Journal* of November 9, 1830, nor with Captain Jack's own statement.

On November 12, 1776, a convention of the people of North Carolina met at Halifax to adopt a constitution for the independent State of North Carolina—so made by the national Declaration of Independence, passed the preceding 4th of July. Mecklenburg was represented in that convention by John Phifer, Robert Irwin, Zacheus Wilson, Hezekiah Alexander and Waightstill Avery. They had been elected by the freemen of the county November 1, 1776. They had been given certain instructions to follow in the State convention. In 1837 a Charlotte newspaper published a draft of "Instructions for the Delegates of Mecklenburg County, proposed to the consideration of the County." It was dated September 1, 1776. Wheeler, who subsequently published it in his *Historical Sketches of North Carolina*, says: "It was found among the old surviving papers of John McKnitt Alexander, and he is the author of them." Wheeler probably got his information from the newspaper, which is not at hand, but that he is correct is attested by the instructions that were adopted at the county meeting and which were printed in the *North Carolina University Magazine*, 4, 259, with a note saying that they were "in the well-known sharp,



angular handwriting of Colonel Avery, with the exception of Sections 17 and 18, which are in the small cramped hand of John McKnitt Alexander. Sections 10, 11 and 13, as appears from a marginal note in the handwriting of Mr. Alexander, were rejected by the people." In addition to this direct statement as to Alexander's connection with the instructions that were adopted, enough of the ideas of the draft found among Alexander's "old surviving papers" were incorporated into them to confirm Wheeler's statement that he was the author of that draft. That draft also contains some of the very words and ideas of the alleged "declaration" of May 20, 1775. "North Carolina is and of right ought to be, a free and independent State," and "unalienable Rights" are familiar expressions to the point. Like the national Declaration, the rough notes of 1800 and the valedictory address it was evidently used in the preparation of that "declaration."

Prior to this time no copy of the resolutions of May 31 had been brought into the controversy, but in 1838 Peter Force, the well-known historical writer, called attention to an epitomised copy thereof in *The New York Journal* of June 29, 1775, credited to *The South-Carolina Gazette; And Country Journal* of June 13, 1775, and another such copy in *The Massachusetts Spy* of July 12, 1775, credited to the same gazette, and suggested that these resolutions probably accounted for the Mecklenburg tradition. In 1840-1841, while working in London, Sparks saw a copy of *The South-Carolina Gazette; And Country Journal* of June 13, 1775, which Governor Wright, of Georgia, had sent to London, and in 1848 Bancroft also saw it. Both of these eminent historians publicly called attention to their discoveries and expressed the opinion that the resolutions of May 31 constituted the foundation for the tradition and the testimony of the memory witnesses. But the Alexander "declaration" had now become a reality with, a part of the Presbyterian religion of, and a test

of patriotism with many North Carolinians and reliable evidence and logical deductions could not throw it down from the pedestal upon which myth-worshipping idolators had placed it.

About 1845, after the death of Dr. Joseph McKnitt Alexander, the papers which he had bearing on the "declaration" were given into the custody of the State. A paper before unmentioned was now discovered among them. It contained the same resolutions and historical note, with a few textual variations, as were published in the *Raleigh Register* of April 30, 1819.<sup>34</sup> There were several evidences on the face of the paper, however, to show that it was not copied but was improvised as the writer went along. At the end of the 5th resolution, for instance, the writer had written the word State, but seeing that it would not fit the history, struck it out and wrote province. Other words had been stricken out and better words interlined; another evidence of improvisation and not copying. In the narrative the constructor of this paper wrote: "From this delegation originated the Court of Enquiry of this county, who constituted and held their first session in Charlotte immediately on Lord Cornwallis leaving Charlotte in the year 1780—they then held their meetings regularly at Charlotte, at Col. James Harris's," etc. But when the constructor saw that to mention Cornwallis and 1780 would spoil the story he struck the references out. To this paper and the "half sheet" whereon John McKnitt Alexander's rough notes had been written the following certificate was attached:

No. Carolina,                    }  
Mecklenburg County.        }

The sheet and torn half sheet to which this is attached (the sheet is evidently corrected in two places by John McKnitt Alexander as marked on it ~~165~~—the half sheet is in his own handwriting) were found after the death of Jno. McKnitt Alexander in his old mansion house in the

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<sup>34</sup>A paper, prepared for Bancroft, showing these variations, is in the New York Public Library.

centre of a roll of old pamphlets, viz: "an address on public liberty printed Philadelphia, 1774"; one "on the Disputes with G. Britain, printed 1775"; and "an address on Federal policy to the Citizens of No. Ca. held at Halifax the 4 of April, 1776," which papers have been in my possession ever since. Certified Novr. 25th, 1830.

J. McKnitt.

In an address delivered at an Academy near Charlotte, published in the *Raleigh Minerva* of 10th Augt., 1809, the Mecklenburg Declaration is distinctly stated, etc.

As to the full sheet being in an unknown handwrite, it matters not who may have thus copyed the original record: by comparing the copy deposited with Genl. Davie they two will be found so perfectly the same, so far as his is preserved, that no imposition is possible—the one from the same original as the other is conclusive. I have therefore always taken from the one which is entire, where the other is lost. the entire sheet is most probably a copy taken long since from the original for some person, corrected by Jno. McKnitt Alexander, and now sent on. the roll of pamphlets with which these two papers were found I never knew were amongst his old surveying and other papers untill after his death. They may have been unrolled since 1788.

J. McKnitt.

About 1853 ex-Governor Swain, Historical Agent for North Carolina, took these papers from the State archives to the University of North Carolina. The Davie "copy," so often mentioned by Dr. Alexander, was now examined by Professor Charles Phillips of the faculty of the University, who discovered that all of it was gone except the last two resolutions and the following certificate in the handwriting of John McKnitt Alexander, which had received no notice from Dr. Alexander, the legislative committee, or Swain.

It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, may not literally correspond with the original record of the transactions of said delegation and court of inquiry, as all these records and papers were burnt with the house on April 6, 1800; but previous to that time of 1800 a full copy of said records, at the request of Dr. Hugh Williamson, then of New York, but formerly a representative in Congress from this State, was forwarded to him by Colonel William Polk, in order that those early transactions might fill their proper place in a history of this State,

then writing by said Dr. Williamson, in New York. Certified to the best of my recollection and belief, this 3d day of September, 1800.

J. McK. Alexander.

With the documents before us that have heretofore been cited there can be no reasonable disputation of the conclusion that the paper sent to Davidson by Dr. Alexander, and subsequently published in numerous newspapers and books, was a fabrication. That it was fabricated after the formation of Cabarrus County in 1792 is quite certain and, as John McKnitt Alexander made no mention of Cabarrus in his rough notes of 1800, it is evident that it was fabricated after the publication in 1809 of the valedictory address wherein was incorporated that foot-note about Cabarrus; otherwise there would have been no occasion to bring into the narrative that extraneous reference to Cabarrus.

In the first paper which Dr. Alexander gave out he avoided acknowledging that John McKnitt Alexander was his father; hid his identity under the signature "J. M'Knitt"; mentioned "papers" left in his hands by "John M'Knitt Alexander dec'd," although he produced only one paper, and did not say how many more there were or what their import was; and did not say that John McKnitt Alexander was the author of the paper or tell how the latter came into possession of it, or in what shape it was. He stated that he had found it "on file that the original book was burned April 1800. That a copy of the proceedings was sent to Hugh Williamson in New York, then writing a History of North-Carolina, and that a copy was sent to Gen. Davie." He never produced that "file" during the whole controversy over his paper, but when we compare his first certificate with that of his father on the Davie "copy" it is evident that he was cognizant of the statement his father had made in that certificate in reference to the burned records. In his article in the *Yadkin and Ca-*

*tawba Journal* he stated that there was "an authentic copy of these resolves and bye-laws mentioned in so many of the certificates, in the handwriting of John McKnitt Alexander, and certified by him as Clerk which had been deposited with Gen. Wm. R. Davie, for the use of some future historian." He knew that that was false, for the Davie "copy" contained the father's certificate that that paper was not taken from an original record but was prepared from memory and was only true to the best of his belief, and there was nothing thereon to show that he claimed to have been clerk of the body that passed the "Declaration" which he saw voted. He made it appear that he had the "whole proceedings of the delegation" which, "though interesting," were "too long for this publication." He forgot that at the very outset of the same article he had said that it was difficult to prove a thing after fifty-five years "when no record of the transaction could be *officially kept*." As a matter of fact he never did have a single original record and all that he was ever able to produce was the rough notes, the paper of doubtful origin and the Davie "copy" and of that only the last two resolutions and the certificate were left. At the outset he gave the impression that no records of the convention had been kept, yet at a later point stated that he had in his possession a paper "written and signed by J. M. Alexander, and purports to be extracted from the old minutes." The father tells us that the records had been burned in his house, but says not a word about his notes being a copy of those same original records. The son intimates to us that no official minutes had been kept, and then tells us that he has some extracts taken from the minutes by his father. But the Bancroft copy of those notes shows the evidence on their face of having been written in 1800. In his paper of 1819 Dr. Alexander said the paper had been "left in my hands by John M'Knitt Alexander dec'd" but in his



certificate to the rough copy of the declaration and the rough notes he said they "had been found after the death of Jno. McKnitt Alexander in his old mansion house in the centre of a roll of old pamphlets" which "may have been unrolled since 1788." Not only are the two statements irreconcilable, but contradict the father's statement that his house was burned in 1800 and everything lost. The rough draft of the "declaration", which had been shown by evidence on its face to have been fabricated, was the basis for his subsequent copies for Davidson and Polk, for he tells us in the last certificate that he had "always taken from the one which is entire, where the other is lost." The "other" he referred to was the Davie "copy." He also tells us that "it matters not who may have thus copied the original record." It does matter, however, for it is evident that no "original record" was copied at all. This is not only shown by the face of the paper itself but by the certificate of the father which shows that the "original record" had been destroyed.

We might excuse Dr. Alexander's failure to see that the paper in the unknown hand contained statements contradictory of the rough notes in his father's hand and language stolen from the national Declaration of Independence, on the ground of lack of critical discernment, but for the fact that even after he got the Davie "copy," which should have set him straight, he, even more than before, tried to keep up the deception. The Davie paper was most likely a polished version of the rough notes of 1800, but Dr. Alexander maintained in his certificate of November 25, 1830, that it was "perfectly the same" as the rough draft and that both had been copied from "the original record." The only evidences to connect John McKnitt Alexander with this rough draft, which was the prototype of what was first published in the *Raleigh Register*, are the statements of Dr. Joseph McKnitt Alexander that it had two corrections in his father's hand-

writing (only one is noted by Bancroft's copyist) and that it was "perfectly the same" as the remaining fragment of the Davie "copy," which Henderson certified was in John McKnitt Alexander's handwriting. It seems hardly possible that John McKnitt Alexander would have put only two corrections on a paper which contained statements in conflict with his rough notes and his certificate to the paper he gave General Davie. He would doubtless have noticed that this paper said *convention* and not *committee* as he had said.

It will be observed that Henderson did not certify that the fragment of the Davie "copy" which he found was "perfectly the same" as corresponding parts of the resolutions in the *Raleigh Register*, nor did any one else who saw it before or after it fell into the hands of Dr. Alexander so certify. The legislative committee has left no statement to that effect, and the editor of the pamphlet which was issued by legislative authority merely appends a note to Henderson's certificate saying that to the certificate there is annexed the *copy* of the paper A "originally deposited by John M'Knitt Alexander in the hands of *Gen. Davie*" and that "it is somewhat torn, but is entirely legible." There is no evidence that Judge Swain wrote that note or saw the paper himself. That he did not and that he accepted that note, ready made, from Alexander is attested by the following statement made by Professor Charles Phillips in letters to Lyman C. Draper, June 8, and June 22, 1875:

Gov. Swain had very little confidence in Dr. Jos. McKnitt Alexander; and evidently knew more about him than he told me \* \* \* \* \* treading on delicate ground when insinuating that Dr. Joseph McKnitt Alexander was guilty of a discreditable *suppressio veri*; he used to talk of it to me confidentially as a *dirty trick* but one which *he* could not expose.

With the Alexander papers before him Professor Phillips, aided and abetted by Governor Swain, published in the *North Carolina University Magazine* for May, 1853, an exposition

of the May 20 fraud. From an official supporter thereof Governor Swain had now become (temporarily) a repudiator thereof. In one of the letters above cited Professor Phillips said that there was "no evidence that John McKnitt Alexander claimed for himself the Secretaryship in 1775" and that the "introductory portion, with the first three of the Resolves, had been torn off the Davie copy," so that they had no opportunity to test the handwriting, though he noted one difference in the two papers. In another letter Professor Phillips wrote: "The condition of the originals in our possession here, the diversity of handwriting, the frequent interlineations, erasures, etc., show that the younger Alexander tried to set forth a poem in Alexandrian measure."

It is very doubtful, therefore, if the original Davie "copy" was "perfectly the same" as the rough draft of the "declaration" in the unknown hand from which Dr. Alexander had "always taken" his copies. By the fragment of it which was left it was impossible to show that it had ever contained the narrative which was published in the *Raleigh Register*, and which contains so many statements at variance with well-established facts, or that the first three resolutions thereof were in the same language as the corresponding resolutions of the publication in the *Raleigh Register*, which contain all of the expressions stolen from the national Declaration of Independence, and, in the fourth and fifth resolutions, notwithstanding the interlineations, erasures, etc., Professor Phillips still noted one difference. An examination of the carefully made Bancroft copy of the rough notes will confirm Professor Phillips's statement as to the interlineations and erasures. Particularly is that the case in the matter of John McKnitt Alexander being named as secretary. A word was evidently erased and his initials crowded in its place and the word secretary interlined.

That Dr. Alexander tried to force the Davie "copy" and his father's rough notes to conform to his *Raleigh Register* publication seems quite likely, and that he was the fabricator of that document is attested by the very best of circumstantial evidence. The writer is not alone in that opinion. In a letter to Draper, July 31, 1875, Professor Phillips said that about 1857 Governor Swain submitted "all the original documents in his possession touching on the subject of the Mecklenburg Declaration" to former Chief-Justice Thomas Ruffin, and asked him for a candid and impartial opinion thereof; that, after due examination, Judge Ruffin returned the papers with the remark:

I want no better case to convict the parties concerned of forgery.

In a letter to his daughter, written a few years after this, Professor Phillips said:

This is Meckl. Decl. time & N. C. has made herself ridiculous as usual of late. When she cd. & might read a veritable Decl. of 1775, she tries to perpetuate the paper of May 20, & so endorse what Judge Ruffin called—"to all intents & purposes a forgery." My Presbyterianism & my patriotism boil with indignation at the fraud of Joe McKnitt Alexander, at its unworthy success.

There are several little internal evidences in some of the papers which Dr. Alexander published that tend to strengthen the opinions of Swain, Phillips, Ruffin and the writer. Once he got that idea into his head about Cabarrus County it asserted itself on all occasions. It appeared with his "declaration," then in his contribution to the *Yadkin and Catawba Journal* and in the certificate which he, Amos Alexander and Alphonso Alexander furnished for the legislative pamphlet. In the certificate which he attached to the rough draft of the "declaration" and his father's rough notes he mentioned the valedictory address, wherein the fact that Cabarrus had formerly been a part of Mecklenburg was first stressed, thus

showing that there was where he first got that idea which he injected into his narrative accompanying his "declaration." Another internal evidence is that in all papers that were submitted as *proof* of the fact of a declaration, from his "declaration" itself to his final certificate, he signed himself "J. M'Knitt," but when he wrote a *defence* of his evidence and his own position he signed his name in full.

In concluding the writer will say that he was once a believer in this "Mecklenburg Myth," as it has now come to be generally known in historical circles, but that he was convinced of its lack of authenticity by the late distinguished historian, Edward McCrady, and that a few years ago he was drawn into the controversy over it by the publication in *Collier's* of Millington Miller's forgery purporting to be an issue of *The Cape-Fear Mercury* of Friday, June 3, 1775, containing a contemporary copy of the "declaration." The moment the writer saw that publication he pronounced it a forgery and, so far as has yet been shown, was the first to so declare in the public prints, and the records will show that, while others were still defending Miller's production as genuine, he was turning up the proofs which eventually convicted him of forgery to the satisfaction even of those who had formerly defended the forgery.



## THE MECKLENBURG DECLARATION OF INDEPENDENCE.

BY BRUCE CRAVEN.

"No less than seven witnesses of most unexceptionable character swear positively that there was a meeting of the people of Mecklenburg at Charlotte, on the 19th and 20th days of May, 1775; that certain declarations distinctly declaring independence of Great Britain were then and there prepared by a committee, read publicly to the people by Col. Thomas Polk, and adopted by acclamation; that they were present and took part in the proceedings themselves, and that John McKnitt Alexander was a Secretary of the meeting."—*Rev. Francis L. Hawks, D.D., LL.D., in New York, December 16, 1852.*

"The documentary evidence in my possession satisfies me that there was a meeting of the citizens of Mecklenburg at Charlotte, on the 19th and 20th of May, 1775, and that resolutions in relation to independence were discussed and adopted. I entertain the opinion that the resolutions of the 31st May, were the resolutions published in the Cape Fear Mercury."—*Governor D. L. Swain, in a letter to Hon. George Bancroft, March 6, 1858.*

"The manuscript (May, 20) applies to Mecklenburg County alone; that county only is declared independent. The declaration (May, 31) is not for one county of one colony. It is a declaration of independence of the United Colonies, and made by men who saw far into the future—whose patriotism was not limited by the boundaries of their own county."—*Col. Peter Force, December 11, 1841, in a letter to John Vaughn.*

"Thus was Mecklenburg County in North Carolina separated from the British Empire."—*George Bancroft's History, Volume 7, page 231, discussing the resolves of May, 31.*

*Cui Bono?* Some wise man has observed that the only justification for anything to be said or written is that it has never been said before or that it has not been said so well. Judged by this criterion in the face of the evidence alluded to above, the perennial outbursts against the Mecklenburg Declaration of Independence are so futile as to approach banality. If all the variegated criticisms and witticisms could be brought together and condensed, it would amount to merely "words,

words, words, no matter from the heart." Omar Khayyam was a little previous but he struck these anti-history people a sharp blow in his verse about hearing great argument "but evermore came out by the same door wherein he went."

"Who can refute a sneer?" asks Paley in his *Moral Philosophy*, and the question has not been answered. In the shadow of slander, virtue is at a disadvantage in defending itself. The suspicion-breeder is worse than the cuttle-fish, because he hides within pretensions to noble things. This mere groundless suspicion is all there has ever been in refutation of the unshaken testimony of actual witnesses of the proceedings on the occasion of the Mecklenburg Declaration of Independence—suspicion conceived in envy, born in malice, nurtured in conceit, and kept alive in vain imaginations. Not one fact has been presented against the Declaration's authenticity (which has been proven by positive testimony) but it seems that the friends of the facts are expected to explain the endless profusion of delusive suspicions and aspersions invented by the experts in mythology. Though obviously unfair, this expectation will be satisfied until there be "no hinge nor loop to hang a doubt on."

Suppose at this late date some sensation monger should cast suspicion upon the *Magna Charta* signed by King John at Runnymede, June 15, 1215; that the suspicious ones should argue that there was only an uneventful assembly on that occasion; that later some of the Barons drew up the document and it was accepted (not by John) but by his successor Henry III at the famous conference at Bristol, November 11, 1216. Such quibbling could not shake the faith in the accepted history, but the hypothesis could not be proven untrue to the satisfaction of the ones who for reasons of their own might wish to believe them. *Verbum sap sapienti.*

The motive in this case on the part of the detractors is self-evident. It is the same motive that is responsible for the fact

that some "historians" refuse to admit that North Carolina furnished more troops for the Confederacy than did any of her sisters. The opponents of established facts have no reverence for nor interest in history as history but only as it is selfishly pleasing: they try to make the facts fit their preconceived opinions instead of making their opinions fit the facts. The true historian, on the contrary, delights in the truth whether it be for him or against him. These chronic doubters resemble the green country lad who in his supreme ignorance thought he knew it all and that a giraffe was a myth and a fraud, and when he was finally confronted with the reality, turned away in disgust exclaiming: "Pshaw, they ain't no sich anny-mule."

Let us grant for the sake of argument that the negative suppositions are true; what difference does it make? The resolutions of May 31, 1775, are not now disputed, though formerly they were condemned along with the more formal declaration of May 20. These undisputed resolutions declared "all laws and commissions, confirmed by or derived from the authority of the King or Parliament, are annulled and vacated" and that "whatever person shall hereafter receive a commission from the Crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country." This in itself is a declaration of independence that can not be denied. The argument of Colonel Force (paragraph 19) on this point is conclusive. Governor Martin, who had not heard of the Declaration of May 20, sent the *Cape Fear Mercury* containing the resolutions to Lord Dartmouth with the statement that the action of the Mecklenburg committee "surpasses all the horrid and treasonable publications that the inflammatory spirits of this continent have yet produced." That Josiah Martin was not partial to North Carolina is evidenced by the fact that he fled from that "inflammatory spirit" to the more peaceful harbor

of South Carolina in that same month of June of 1775, from which time *North Carolina was independent in fact as well as in declaration.*

So if the Declaration as claimed for May 20 falls, the resolutions remain, and only eleven days are taken from Mecklenburg's four hundred and eleven days of priority in defiance of Great Britain. Mecklenburg's only reason for maintaining the claim is that it is the truth and that there is no reason for doubting it. The difficulty of obtaining proof at this time sufficient for persons who do not want to believe, is apparent; but the fact that the Mecklenburg Declaration of Independence of May, 1775, was accepted as "common tradition" before 1800 when all the people must have known whether or not it was genuine and when original records were available, is good indications that the tradition was fact.

Any unprejudiced reader of the evidence will be convinced that in the hundred years of activity, the maligners have not been able to controvert the testimony of the participants who certify positively to the proceedings. In examining the arguments of these controversialists, there need be no partiality, but every suspicion and surmise should be considered as to its comparative worth in offsetting the positive declarations of men who were present May 20, 1775, and whose statements have not been and can not be disproven. It should be borne in mind that the negative argument admits the authenticity of the Resolves of May 31, but contends that they were not equivalent to a Declaration of Independence and that there was no meeting or declaration of any kind May 20! We are now to see if either of the two contentions is substantiated.

#### NEGATIVE CONTENTIONS.

The foregoing review of the suppositious contentions against the authenticity of the Declaration, is perhaps the best that has ever been presented. The omissions, suppress-

sions and misrepresentations are so few as to raise the presumption that they are unintentional. With a rigid cross-examination, the friends of the Declaration could well afford to let the case go to the jury without further argument. The author omits nothing of consequence that has ever been or could ever be argued for the negative. His discussion includes all of various publications, and being in brief, is superior to any of them.

The one item omitted in the history of the controversy is the attempt to prove that May 20 and May 31 came on the same day on account of the eleven days' change in the calendar in 1752. For a long time this was the chief resource, but that the author here omits it is to his credit, as the fallacy is too apparent to engage the attention of any one who professes to be serious. He also does himself credit in not making the extravagant claim that his case is complete, knowing that surmises at their best can not outweigh direct, positive evidence of any kind. It is to be regretted that he allowed his production to be marred by the vulnerable points hereinafter mentioned, though otherwise he could have asked only for a verdict of "not proven," which indeed is the most he can hope for as it stands.

1. Reference is made repeatedly to the "Mecklenburg Myth" and the "May 20 fraud." This is not argument. It is *prima facie* evidence of malice. The "criminals" guilty of the fraud must go for comfort to Dr. Johnson:

"Of all the griefs that harass the distrest,  
Sure the most bitter is a scornful jest:  
Fate never wounds more deep the generous heart,  
Than when a blockhead's insult points the dart."

Sincerely disclaiming any application of the last line to the other participant in this discussion, yet it certainly does apply to the originator of the insult to the Mecklenburg patriots of 1775 who afterwards gave their positive statements



in support of the so-called "myth" and "fraud." This is of course entirely apart from the merit of the question at issue, though that the Declaration has never been accepted as a "myth" is shown by its acceptance by Washington Irving in his biography of Washington; Rev. W. H. Foote, of Virginia, in "Sketches of North Carolina;" Alexander Garden, of Charleston; Andrew Jackson who in "The Hermitage" pointed with pride to a handsomely framed copy of the Declaration made in his native county of Mecklenburg; Force, Lossing, Swain and a host of others.

2. There is a continual nagging as to whether the Mecklenburg meeting was a committee or a convention. This is mere quibbling and has about as much to do with the question as the distinction between tweedle-dum and tweedle-dee has with the bias of jurisprudence. The Declaration was made and it matters not what might have been the correct designation of the organization that made it. The national declaration was made by the continental congress, but the congress might with equal accuracy have been called a committee or a convention. By any other name its action would have been the same.

3. Attention is called to the petition from the North Carolina Provincial Congress of August, 1775, declaring allegiance to the King, and which had the approval of the Mecklenburg representatives, some of whom had signed the Declaration. The intended implication is that this proves that these men could not have signed the Declaration or have had anything to do with it. Was such an apparent inconsistency so wonderful at a time when Edmund Burke was charging Parliament with seeking fresh principles with every new mail from America? The continental congress were then discussing a similar petition with Thomas Jefferson as its sponsor, and the provinces were naturally expected to endorse it. That it was only an attempt to seize the last straw of hope and that Jefferson himself had no faith in it is known to all students

of history. To charge that North Carolina was submissive in the Fall of 1775 is indefensible in view of the fact that the Royal Governor never dared to set foot in the State after May of that year. So the act of Thomas Polk and his compatriots is not so very inconsistent after all. Besides, it is every bit as incompatible with the May 31 resolutions as with the Declaration, and if the petition argues against one, it argues against the other, and the authenticity of the resolutions is not denied.

4. "With the Alexander papers before him, Professor Phillips, aided and abetted by Governor Swain, published in the North Carolina magazine for May, 1853, an exposition of the May 20 fraud. From an official supporter thereof, Governor Swain had now become temporarily a repudiater thereof."

The opinion of Professor Phillips is worth no more than the opinion of any of a hundred others (which fact is evidenced by the attempt to back it up with another) but the opinion of Governor Swain is entitled to more consideration than that of any one else for the reason that he studied the question more thoroughly and impartially than any one else ever has, and because of his known and admitted historical ability and his strength and fairness of mind. The implication of the quotation given is that he had been trying to prove the validity of the declaration but had finally been converted to the side of repudiation. The truth is that he had from the first been a doubter but when he finally was confronted with the overwhelming evidence, he was *then* converted and became a supporter of what he knew to be the truth.

This version of his conversion is founded upon his own statement in a letter written from Chapel Hill to Hon. George Bancroft, March 6, 1858 (five years after the date above given) and from which the following is a verbatim extract:

"I wish very much it was in my power to have a personal conference with you in relation to the Mecklenburg resolutions, and other events in our revolutionary history. I have held very free and full dis-

cussion with Dr. Hawks, after a minute examination of all the papers at my command, and we understand each other better, and are more nearly together in opinion than we were at the time we appeared before your historical society. I would like very much to go over the same ground with you. He never saw the evidence on which I rely as conclusive until his arrival here in June last, after the delivery of his lecture in Charlotte. At the close of the examination I gave him a paper copied below, and expressed the opinion that every fact set forth might be embodied in a special verdict, and established by the evidence before us, if an issue were made up and submitted to a jury.”:

The “special verdict,” also quoted from the letter, is as follows:

“The documentary evidence in my possession satisfies me that there was a meeting of the citizens of Mecklenburg, at Charlotte, on the 19th and 20th of May, 1775, and that resolutions in relation to independence were discussed and adopted. I entertain no doubt that the record of the proceedings of the Mecklenburg Committee was burned in the home of John McKnitt Alexander, in the month of April, 1800, and that the Davie paper contains what General Graham, Col. Wm. Polk, and other gentlemen of high character, whose certificates appear in the State pamphlet, believed to be a true narrative of the transactions of those two days. I entertain the opinion that the resolutions of the 31st, May, were the resolutions published in the *Cape Fear Mercury*, and that there was no contemporaneous publication of the proceedings of the 19th and 20th of May. That a copy of the records of these events was placed in the hands of Dr. Williamson, with the intent that they should find a place in history of North Carolina, I believe to be incontrovertible.”

Was Governor Swain a man to say a thing like this of a “myth” after he had studied it for twenty years? Was he the kind of man to help perpetrate a fraud?” Instead of that, every one who knows anything about him, knows that he was one of the most broad-minded and conscientious of men, and a historian who sought the truth without prejudice or partiality. His verdict was formed with all the evidence before him for the negative that has ever been produced but without much of the positive evidence.

So this important witness for the doubters develops on cross-examination into a witness for the believers. It would

seem that the myth hunter was unmindful of the fable about Dædalus who constructed the famous labyrinth for King Minos of Crete only to find himself imprisoned in it.

5. Considerable space is taken up unnecessarily in proving that the *Cape Fear Mercury* sent by Governor Martin contained the resolutions of May 31; so far as is known, this is not denied, though there is no proof that it did not also contain the Declaration of May 20. Further, however, the erroneous statement is made that the records cited "show beyond refutation that on May 31, 1775, the committee of Mecklenburg County declared the laws of the province of North Carolina wholly suspended in Mecklenburg County," but "this action was not taken with any view of declaring absolute independence of Great Britain."

There is no occasion for quibbling over these resolutions of May 31. They are before us undisputed and can speak for themselves. In answer to the belittling imputation quoted, here is the first of the twenty resolutions: "*That all commissions, civil and military, heretofore granted by the Crown, to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended.*"

This is an absolute declaration of independence and is not more formal only because of the previous Declaration. That this meeting was an adjourned one from the former is borne out by the purport of the resolutions, and by the obvious fact that this meeting was assembled to provide laws for the independent people "until laws shall be provided for us by the congress." The laws then adopted were "to provide in some degree for the Exigencies of the County in the present alarming period"; but to attempt to limit the declaration to the county requires unlimited imagination in the face of that first resolution. (See paragraph 19.)

6. The court records of Mecklenburg are cited to show that they were carried on in the name of the King after May,

1775, and that therefore there could have been no declaration of independence. This indeed does suggest legitimate doubt but no more than that, and it is of no weight when brought to bear against the positive testimony of the men who were present May 20, 1775, when the declaration was made. This is as much against the undisputed resolutions of May 31 as it is against the declaration, but it is in accord with both. The resolutions adopted after the Declaration constituted the law for Mecklenburg until the adoption of the State constitution December 18, 1776, and as no provision was made for the changing of the court customs and forms, it is but natural that they should have remained unchanged. As they remained so even after July 4, 1776, the logical inference from the argument would be that the people of Mecklenburg also refused to accept the national Declaration of Independence. It is clear that the custom was immaterial and was not changed except by the new constitution; but it is also well to note that there are but a few scattering instances of the practice and that the real affairs of Mecklenburg were in the hands of the independent committee. (See paragraph 3 preceding, and paragraph 12 of Positive Evidence.)

7. After the national Declaration, we are told:

"The home rule government which the committee had provided for Mecklenburg by the resolutions of May 31, 1775, now no longer acknowledged allegiance to the Crown of Great Britain, but to the State of North Carolina."

This insinuation as to the allegiance of the May 31 resolutions to the Crown is answered by the sixteenth of the resolutions in the words "whatever person shall hereafter receive a commission from the Crown or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country." Is not this sufficient?

8. An exhaustive attempt is made to show that the resolutions of May 31 came to be known as a declaration of inde-



pendence (which was eminently proper) and that this accounts for the claim as to May 20. Every one who ever testified as to the declaration without mentioning the date is brought forward to strengthen this theory. There is "great argument about it and about, but evermore" he comes out by the same door wherein he went. No piece of evidence of any nature can be found to show that the declaration was *not* May 20, and there is before us the testimony of men who were there and who testified positively, after mature deliberation, that the Declaration was made as claimed, May 20, 1775.

9. "This production, however, is entirely inconsistent with the history of the time, both as to America in general, and North Carolina in particular."

The author of this remarkable statement answers it himself in the details of the Fayetteville and Wilmington committees. It is answered again in the admitted resolutions of May 31. It was answered by Thomas Jefferson in his letter to Adams wherein he said, "No State was more fixed or forward than North Carolina." It was answered at the battle of Moore's Creek bridge, February 27, 1776, and it is answered in every chapter of the history of North Carolina, which shows from beginning to end that the Mecklenburg Declaration of Independence was a rational manifestation of the will of the people and in perfect harmony with the history of the State from the beginning to the end of the struggle for independence. (This part of the question was covered in the October number of the *North Carolina Booklet* in the contribution entitled "The Significance of the Mecklenburg Declaration of Independence.")

10. "There is not one contemporary record in evidence to sustain it."

This is answered by the citation given from the Wachovian records in Salem (than which there are none more reliable) written during the revolution and which declares that "The

county of Mecklenburg declared itself free and independent" in 1775. This is a contemporary record, the correctness of which no one can question. (See paragraph 2 of Positive Evidence.)

11. "The traditionary references to a declaration of independence, heretofore quoted, are neither contemporaneous nor specific, and will apply as readily to the authenticated resolutions of May, 31, as to this alleged declaration of May, 20."

Now what can this mean in connection with the writer's continuous contention that there was nothing in the resolutions of May 31 to suggest the thought of independence? All of these "traditionary references" are concerning "a declaration of independence" and if this applies "readily to the authenticated resolutions," then the authenticated resolutions must have had something in them to suggest the thought, otherwise the suggestion could have come only from the reality of May 20. Verily, "he falleth into his own pit." His position is ominously suggestive of the great

"Serbonian bog,  
Twixt Damietta and Mount Cassius old,  
Where armies whole have sunk."

12. "The resolutions of May 31, preclude the possibility of any such action having been taken on May 20. The resolutions provided for the organization of the people of Mecklenburg into a regiment of militia at a future date. It is evident that the colonel of the regiment could not have called a convention of two men from each company when there were, as yet no companies."

That Mecklenburg County was divided into militia districts or companies from its creation in 1762 is a matter of record. This is proven by innumerable items. In particular is the visit of Governor Tryon to Mecklenburg to review the militia companies in August of 1768, shortly after which time (September 12) each of the companies furnished a quota to march to Hillsboro to help preserve peace.

13. "It will be observed that parts of the 'declaration' bear close resemblance to parts of the national Declaration of Independence."

This is one of the stock arguments for the doubters, but it is not a strong one. There are some expressions in the two documents that are identical, but these same expressions were such as had been frequent in the public discussions for years before 1775. The "identical expressions" are in the resolutions of Richard Henry Lee, June 7, 1776, and some of them in the Bond of Union of the Scotch Presbyterians of 1670. That this reasoning is conclusive is demonstrated by Jefferson's letter to Adams of July 9, 1819, in which (though professing disbelief in the Mecklenburg Declaration), there is no intimation that it occurred to him that there was any undue similarity in the two papers. He brought to bear upon it every possible criticism, and it is not likely he would have omitted this if in his opinion there had been any reason in it. Jefferson was also careful to state that he did not positively assert that the declaration was a fabrication. Aside from this, the similarity is only in minor details. There is no similarity in the form and in the details where we would expect to find it, as for instance in the opening paragraph, "When in the course of human events," etc. If the Mecklenburg declaration had been a fabrication, it would have been fabricated by one familiar with all the papers concerned and who would have had before him the resolutions of May 31 and the national declaration. The fact that it is entirely different in structure and general content from both of these documents is proof that it could not have been founded upon either. If, as alleged, the idea of the May 20 declaration grew out of a confusion about the May 31 resolutions, then it would be supposed that the declaration would contain some expressions identical with the resolutions, but there is not one word of the kind. There is nothing in the remote resemblances of the two declarations (as against their greater differences) to raise a legitimate doubt of the positive and uncontroverted testimony. That the charge of plagiarism is

futile and that the principles and phraseology of professions of unalienable rights have been similar for hundreds of years, are statements amply confirmed by the fact that the Meeklenburg Declaration and the National Declaration are no closer in resemblance to each other than both of these documents are to the Declaration of the United Provinces of the Netherlands, July 26, 1581. The Dutch defiance of Spain and the American defiance of England (two centuries later) recite their grievances and one says "a Prince whose character is thus marked by every act which may define a tyrant," etc., while the other says "he is no longer a Prince but a tyrant." Both outline the objects of government and the duties of rulers; the one says "when he does not behave thus, the subjects may not only disallow his authority but legally proceed to the choice of another Prince for their defense"; the other says "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government and to provide new Guards for their future safety." These similarities are of substance, and the similarities in exact phrases are the very things that plagiarism would have omitted.

14. The surmises and multitudinous hypotheses concerning the certificates published in the State pamphlet of 1831 are trivial and hardly worthy of mention, though much space is occupied with them. Concerning the certificate signed jointly by Graham, Hutchison, Clark and Robinson (given in full further on in this discussion) the captions criticisms are amusing."

"It is evident from the verbiage of that certificate, that those who gave it refreshed their memories to a considerable extent from the publication in the *Raleigh Register*." "They said that Colonel Polk was colonel of the militia regiment, and that Ephraim Brevard was the secretary of the meeting which they did not term a convention."

The critic does not go to the trouble of attempting to dis-

prove any of these things but expects us to accept his prognostications without question. That there was confusion as to whether Brevard or Alexander was secretary (because of the fact that Brevard did write the declaration) is but natural, but the question at issue is not affected by this. As to the innuendo about refreshing memory and not calling it a convention, we are again reminded of tweedle-dum and tweedle-dee. However, they did refer to the members as "*Delegates*" several times, and delegates to a committee would have been an anomaly too odd doubtless even for a surmise. It would be interesting to know what is meant by the "verbiage" of the certificate; it is really concise and pointed.

"They said the delegates on the 20th again met. They did not remember an all-night session."

There is certainly no discrepancy here. The statement is made that they met the next day and the Declaration was then read. This is in accord with the general statement that the Declaration was read from the court-house steps at noon of the twentieth.

"They did not say that the resolutions in the *Raleigh Register* were what they heard read that day. They said that the resolutions went to declare independence, not that they declared it."

This lack of familiarity with the *Raleigh Register* does not agree with the theory that they "refreshed their memories" from it. If that had been true (which it is was not) is it not probable that they would have said whether or not they were the resolutions they were describing? The other statement is simply incorrect, as by reference to the complete certificate it can be seen that *the action is referred to four times as "the Declaration of Independence."*

This is all that can be said against that definite detailed statement of four men who were present when the Declaration was made, and who testified to the facts ("and on our honor



declare") and whose statement is supported by the strongest of corroborative and contemporary evidence. This certificate, after bearing "the slings and arrows of outrageous fortune" for nearly one hundred years, remains unshaken in its reliability and its accuracy, and so long as this holds true, the Meeklenburg Declaration of Independence will be held as authentic by every one who is searching for the truth and who knows it when he sees it.

15. We are informed that notwithstanding Martin's statement to the contrary, the Declaration as published in his history, was obtained after he said it was. Up to this good time, no one had ever questioned the veracity of Francis Xavier Martin, who emigrated from France and settled in New Bern in 1782, was engaged by the State for a number of years in editing the Statutes, was several times a member of the General Assembly and associated with some of the Mecklenburg representatives who had signed the Declaration, and who was then gathering material for his history of the State. In 1809, he was appointed by President Madison to a position in the Louisiana territory. In the preface to his history dated July 29, 1829, he says:

"The writer imagined he had collected sufficient materials to justify the hope of producing a history of North Carolina worth the attention of his fellow citizens, and he had arranged all those that related to transactions anterior to the Declaration of Independence (July 4, 1776,) when in 1809, Mr. Madison thought his services were wanted."

Further he states that he had hoped to get the time to give more attention to "the work he had commenced in Carolina" but the condition of his health made it necessary for him to put it to press without delay. This is absolutely conclusive evidence that the Martin copy of the Declaration (the one considered as genuine) was in existence long before the discussion arose in the *Raleigh Register* and hence could not have been manufactured for that purpose. More than this,

we have the testimony of Rev. Francis L. Hawks in his Charlotte speech in 1857 that *Judge Martin told him that "he had obtained the copy of the Declaration prior to 1800,"* and that he did not know Garden had printed a copy. Is it likely that this could have been done without the knowledge of John McKnitt Alexander or that Alexander after the destruction of the original, would have certified to an incorrect copy while knowing that the Martin exact copy was in existence? This requires too many ifs for the ordinary imagination. The Martin copy is undoubtedly a verbatim reproduction of the original which was destroyed by the burning of Alexander's house in April of 1800.

16. All that is said against the Garden copy published in Garden's *Anecdotes of the Revolution* in 1828, is that it is plainly a revision of the Guilford copy published in the *Charleston Mercury* of July 4, 1828. It happens, however, that the Garden and Martin copies are duplicates except for slight variations such as might well be made by the same copyist in copying from the original, and besides Garden acknowledges as his source of information Dr. William Read (a fellow-citizen of Charleston with Garden) who attended Ephraim Brevard in his last illness in 1777, at the home of John McKnitt Alexander. Neither Garden nor Martin knew of the other's publication until it appeared in print, so there could not have possibly been any comparison of their copies. Hence the only reason that can account for their similarity is that they were both verbatim reproductions of the original, as they were. There is no evidence whatever to the contrary.

17. The various suppositions as to how the certificates might not mean what they say, are aired at considerable length, and particular attention is given to an attempt to demonstrate the unreliability of the papers left by Dr. Joseph McKnitt Alexander who was a son of John McKnitt Alex-

ander. Governor Swain is here brought in again to testify, and he undoubtedly did not attach much importance to the papers; but as Governor Swain said that (without these papers) the documentary evidence was sufficient, it is apparent that the case is complete even without this bit of corroborative evidence. The point raised regarding Dr. Alexander's custom of signing his name to his notes as "J. McKnitt" is of no consequence one way or the other, as he afterwards over his full name accepted the signature as his own.

18. \* \* \* "There was no such person as Richard Harris, Sr."  
\* \* \* "John Davidson was probably left out because his memory had not been clear." \* \* \* "Captain Jack *could* not have told William S. Alexander all that they certify that he told them Jack said."

These are samples of unsupported and unsupportable statements. Just how any one would go about proving that "there was no such person as Richard Harris, Sr.," presents a subject for speculation, as does also the statement about Captain Jack. As for John Davidson, he was not "left out" but is accredited as one of the signers of the Declaration and his name is inscribed on the Declaration monument in Charlotte. Why should he have been discriminated against because of defective memory when all of the Mecklenburg people are supposed (by the doubters) to have been similarly afflicted?

19. "But the Alexander 'declaration' had now become a reality with, a part of the Presbyterian religion, of, and a test of patriotism with many North Carolinians and reliable evidence, and logical deductions could not throw it down from the pedestal upon which myth-worshipping idolators had placed it."

This is the last stroke and immediately follows the introduction of the celebrated historian, Peter Force, as a witness for the prosecution. No sentence of equal length ever contained more errors. The relation between the faith in the Declaration and the doctrine of predestination is too remote for discussion here, and the reflection on the Presbyterians generally is in part due to the false assumption that all the

inhabitants of Mecklenburg from the earliest times have been Presbyterians. What is there to prove that the inhabitants of Mecklenburg were "myth-worshipping idolators?" To be sure it is a mouth-filling phrase, but it is too far from truth to be passed over in silence. No people in history have been further from fulfilling that description than the ones to whom it is meant to apply. It is much better to let the facts speak for themselves, and the facts with regard to Peter Force prove the doubter a Dædalus again.

December 11, 1841, Colonel Force wrote from Washington to John Vaughan in Philadelphia, a letter in reply to an inquiry as to the Mecklenburg Declaration of Independence. At that time, Colonel Force did not have the complete resolutions of May 31 and was in doubt as to the date of the resolutions, though he had the Davie copy of the Declaration of May 20 as published in the *Raleigh Register*. He refers to the May 20 Declaration as the "manuscript" and his views (as a witness for the prosecution) are especially interesting in declaring that *the resolutions are the more important* even if both are considered authentic. The following is the main part of his letter:

"The manuscript (May 20) does not declare the entire dissolution of the laws, government and Constitution of this country. It applies to Mecklenburg County alone; that county only is declared independent—a sovereign and self-governing association' by itself, separated alike from the Crown and the province, and leaving North Carolina and all the other colonies in subjection to the Crown. The declaration in the printed copy (May 31) is of an entirely different character. It does declare 'the entire dissolution' in that the whole country is declared independent. The declaration (May 31) is not for one county of one colony; it is for all the colonies. It is a Declaration of Independence of the United Colonies, and made by men who saw far into the future—whose patriotism was not limited by the boundaries of their own county. At that early day, the men of Mecklenburg marked out the true course to be pursued by the whole continent for a redress of grievances; this was afterwards found to be the only course. When they took their ground, they stood alone—their own province of North

Carolina did not join them. They did not ask their fellow subjects to unite with them in so daring an enterprise without first encountering the peril themselves. They did not wait for others to take the first step—they did not stand at ease until the whole were prepared to advance in line; but they boldly and fearlessly marched out to the front, inviting by their example all the rest to follow. These men were the first to declare that the authority of the King and Parliament over 'their colonies' was annulled and vacated. They were the first to incur the responsibility, whatever it might be, of making such a declaration, and publishing it to the world. If I have succeeded in establishing a single truth, or in removing a single doubt—if I have cleared away one of the many clouds of error, that for twenty years have thrown so much darkness around this brilliant star in our history, I shall be entirely satisfied."

Colonel Force was a native of New Jersey, but lived for the greater part of his life in Washington where he died January 23, 1868. For many years he was among the foremost of writers and historians, and his published works are invaluable. There is no record that he ever visited North Carolina, and he certainly had no cause for partiality, yet from the letter, it might be supposed that he had been one of the leaders among the "myth-worshiping idolators" of the Mecklenburg Presbyterians. Moreover, the long-desired conclusive contemporary record was found among the Moravians who were neither Presbyterians, myth-worshipers nor idolators. No "myth" ever sustained such persistent and bitter opposition as has been for a hundred years directed at the Mecklenburg Declaration of Independence; and the real reason the Declaration grows in favor is not idolatry but that truth that makes doubters and traducers wince: "*Facts are stubborn things.*"

20. With apologies to Disraeli for using some of his words in a certain celebrated saying, it may be said that the concluding paragraph of this latest attack on the Mecklenburg Declaration of Independence, is a spectacular manifestation of the idiosyncrasies of a disputatious carper and historical apostate inebriated with the exuberance of his own verbosity.



The paragraph fulfills the requirements of a maximum of error in a minimum of space.

The doubter claims priority in labeling as a forgery the alleged lost copy of the *Cape Fear Mercury* published by one S. Millington Miller in *Collier's Weekly* for July 11, 1905. *Facts speak louder than words.* July 14, 1905, this humble scribe (who has never yet believed in a myth) declared in a brief letter to the *Charlotte Observer* that the Miller publication was a forgery and entirely indefensible. August 23, 1905, this same humble contributor published in the same *Charlotte Observer* a lengthy communication (based on an investigation made in the meantime in the British Public Record office) which according to an editorial in the *Charlotte Observer* was conclusive. In a letter to this same humble writer August 3, 1905, Miller made this interesting statement: "I can not see why you friends of the Declaration oppose this paper when the public is willing to accept it." Miller could not see that to be a friend of the Declaration is to be a friend of the truth.

December 30, 1905, Miller was interviewed in a Baltimore hotel by Prof. Alexander Graham, Dr. George W. Graham and Mr. R. O. Alexander. This committee had much difficulty in finding Miller and only secured this interview on the strength of an offer of five thousand dollars for the paper if proven genuine. Upon inspection the forgery was self-evident, and it was found to be a reproduction in large part of a document surreptitiously purloined by Miller from the private papers of Dr. Graham while making a "friendly" call some months before. The conclusion of this committee was published in the *Charlotte Observer* of January 1, 1906, and the case was settled. The committee, however, had secured from Miller his written consent to show his paper to S. Worthington Ford, and hence by their courtesy Mr. Ford January 5 saw the paper which otherwise he certainly would

not have seen. Mr. Ford's verdict was published January 12, and later he made himself ridiculous by claiming that he and Mr. A. S. Salley, Jr., had done it all. It is perhaps worthy of notice that all the members of the committee were Mecklenburg Presbyterians and Miller was an Episcopalian. Just what the aforesaid doubter was doing all that time is for him to tell, but whatever it was, it most assuredly had nothing to do with proving the forgery. The fact that this publication was rejected and proven false by the most ardent defenders of the Declaration shows that they were sufficiently sure of their ground to resent any false testimony; and such is the truth. (See "*That Cape Fear Mercury*," by Alexander Graham, 1906.)

The doubter confesses that at one time he was a believer in a myth, which in itself ought to disqualify him from giving expert testimony in a matter of fact. This humble scribe not only never believed in myths but he never had any faith in myth-hunters.

The doubter says that he was convinced of his error by the late Edward McCrady, who was indeed a true historian and who did great service for the history of the great State of South Carolina without finding it necessary to attempt to pull down the history of another State. McCrady, on page 579, volume 1, of the *History of South Carolina in the Revolution*, does not discuss the Declaration but says that the *Resolves* "*provided for an independent government.*" Now if the doubter was open to conviction about May 20, why did he not accept McCrady's view of May 31? The setting up of an independent government is a *de facto* declaration of independence, while the doubter in the foregoing discussion says in direct contradiction of McCrady that the Mecklenburg government "acknowledged allegiance to the Crown."

Thus endeth the evidence for the State—of uncertainty. The doubter might well have taken for his motto for that con-

cluding paragraph "*Ir por lana y volver trasquilado*"—which is Spanish, and being interpreted, means in effect "To go for wool and get shorn."

\* \* \* \* \*

Is there left a "hinge or loop to hang a doubt on?" Where is any reasonable basis for legitimate doubt? Is the negative proof conclusive on either of the points at issue—that there was no meeting May 20, and that the Resolves of May 31 did not declare independence? Have not the allegations failed completely in their own presentation?

For many years the doubters charged that the argument for the Declaration was "manufactured" to support an untenable theory. No charge was ever more capable of complete self-application. No one can truthfully say that any of the following evidence is "manufactured," misrepresented or not authentic, but the opposition seems to have as many lives as the "mythical" cat. Ninety years ago they staked their life on opposition to the Resolves and lost. Likewise they lost in the claim that the Resolves were of no consequence. They clamored for the evidence of eye-witnesses as final proof, and received it in abundance. They demanded contemporary evidence and it was produced. They said North Carolina history did not bear out the independent spirit, though any chapter in it proves the contrary. This unashamed brazenness of the doubters suggests the story of the gourd-vine which ran out beyond the top of a stately palm tree and boasted that in a few days it had grown higher than the palm, to which the latter replied: "Yes, and every year of my century of life, a vain hopeless thing like you has made that same boast only to fade away within a few days and be forgotten."

Driven to the last ditch, the enemy now can only "suppose" that the evidence (that they know to be overwhelming) really referred to May 31 in spite of its specific reference to May 20.

Note.—(This is the whole of the argument of William

Henry Hoyt in his recent book "The Mecklenburg Declaration of Independence," of which no contention is omitted in the foregoing discussion.) This line of reasoning, on which the doubters now found their last hope, if applied to the biblical account of creation, would give us something like this: "The first chapter of Genesis mentions the creation of only one planet; there is nothing in it that can not by skillful imagination be made to describe Mars; we know that Mars was created; therefore the story of the creation of the earth is a myth and Michael Angelo's statue of Moses is a fraud." There is nothing deficient in the reasoning except the omission of all evidence proving the existence of the earth, and the fact that the description not only "might refer" but *does refer* to the earth.

The whole controversy "in a nutshell" is the opinions, deductions and surmises (wholly without evidence) of a few modern "historians" for the negative; and for the affirmative is the specific evidence of men who were present May 20, 1775, and the contemporary records that can not be questioned. Which is the more worthy of credence?

Even without the positive evidence of the action of May 20, 1775, there is not sufficient cause for denial of the document that was accepted as authentic among the people who made it. *With* the documentary evidence (given in the following pages) there is no unbiased jury that could fail to return the verdict claimed by Governor Swain fifty years ago—that the facts as to the Declaration of May 20 are incontrovertible.

#### POSITIVE EVIDENCE.

The proposition is that the people of Mecklenburg County, assembled in Charlotte, May 20, 1775, declared independence of Great Britain. This proposition depends for proof upon testimony of men who were present, and contemporary documents. The corollary to the proposition is that an adjourned

meeting was held May 31 when the formal declaration was extended to apply to the whole country, and rules and regulations were adopted for independent government in the county.

*The proof is conclusive that there were two different declarations made on two different dates in May of 1775.*

This fact is denied by certain disputatious critics who have never been able to agree among themselves even as to their own negative hypotheses or the alleged demonstration of them. On the other hand, there is no difference of opinion on the side of the proposition as above stated, and which is amply proven by documentary evidence of unquestioned authenticity.

The resolutions of May 31, 1775 (printed, and held in tradition as "the Resolves") are admitted as authentic in words and date.

These "Resolves" constitute a declaration of independence, in that the first of them declares: "That all commissions, civil and military, heretofore granted by the crown, to be exercised *in these colonies*, are null and void, *and the constitution of each particular colony wholly suspended.*"

The Resolves were so-called because all of them except the first were concerned with laws for the government of the independent county; and they were never referred to as "the declaration" because the action of May 20 was more formal (though limited) and were concerned almost entirely with declaring independence.

These unquestioned "Resolves" were nevertheless ample justification for any "popular tradition" about a declaration of independence, as their scope was even wider, and there could therefore have been no motive for "manufacturing" another declaration.

The Davie copy, made from memory by John McKnitt Alexander, could not have had any possible reference to the "Resolves" as there are no points of resemblance in either form or words in the two documents.



This radical difference between the documents (except for the first of the Resolves) is evidence that the one was supplementary to the other.

Alexander was undoubtedly familiar with the Resolves (which had been printed) and he would not have "manufactured" a false copy of an original he knew to be in existence.

He could have had no motive for misrepresentation in the Davie copy of 1800, as at that time and for many years afterward there was no question raised as to the authenticity of either of the declarations.

That there was no misrepresentation is proven by the close resemblance of the Davie copy to the Martin copy (direct from the original) obtained before 1800, according to the statement of Martin to Hawks as given in an address by Dr. Hawks in Charlotte in 1857.

The Resolves needed no proof and there was therefore no occasion for mention of them by the witnesses called on to testify as to the Declaration, and who doubtless remembered the Resolves as the subsequent laws that were based on the Declaration, but *"two meetings" are mentioned.*

The Resolves were not mentioned as a declaration in the newspapers and hence the "tradition" referred to the other meeting.

The witnesses necessarily knew the Resolves were in print, and therefore would not have testified to another meeting different in organization and results without certainty that their statements were correct in every detail.

Their description of the two-days' meeting could not apply to the meeting of May 31, which was described in the published account in the *Charleston Gazette* with the words: *"This day the committee of this county met and passed the following Resolves."*

The committee could not have met and adopted all these laws based on a Declaration of Independence in one session

except for the fact that the more formal Declaration with the attendant discussion had been attended to at a previous meeting.

Also the description could not have referred to the meeting of May 31, because the witnesses who remembered with distinctness the principal participants and the various details must have also remembered the document at least well enough to distinguish between the two.

The witnesses testified to the Declaration of Independence with the Davie copy before them and knowing that that was the Declaration under discussion; and if it had not been the one they remembered, they would have had no reason for not saying so.

That the proceedings of May 31 were printed is but natural, as any editor of the time with both documents before him would have chosen the later one as being of the more general interest in that it applied to all the colonies.

The theory of a confusion of the two dates on account of the eleven days change in the calendar in 1752 (ten years before the county was created) is entirely untenable. There was no section of America where such error would be less likely to exist than among the scholars of old Mecklenburg. The theory has not one particle of evidence to sustain it. It is pure presumption. In the thousands of private and public records of those times, there is not another instance of such confusion. In the certificate of Joseph Graham, the Declaration date is given as May 20 and that of the battle of Lexington as April 19, this being conclusive that there could have been no confusion.

The theory as to the defective memories of seven witnesses, all of them defective in exactly the same way, demonstrates its fallacy by an automatic application of *reductio ad absurdum*. Examination of the testimony shows that the details were remembered with distinctness so that there was no dis-

crepancy in the evidence of witnesses who had not consulted together.

Hence we have positive concrete evidence of meetings and declarations on two different days in May of 1775; and there is no positive evidence to the contrary.

The documentary evidence demonstrating these conclusions is here given, and they who desire the fuller details for reference, are referred to "The Mecklenburg Declaration of Independence and its Signers," by Dr. George W. Graham; "The History of Mecklenburg County," by D. A. Tompkins; and "The Mecklenburg Declaration of Independence," (Mora-vian Records) by Miss Adelaide L. Fries.

\* \* \* \* \*

#### THE JOINT CERTIFICATE.

1. The first testimony is the joint certificate (published in the *Raleigh Register*, February 18, 1820) signed by George Graham, William Hutchison, Jones Clark, and Robert Robinson, all of whom were present when the Declaration was made. (For their biographies see the publications above mentioned.) They were prominent men at the time the certificate was made, and no question has ever been raised as to their character and reliability. Their testimony can be impeached only by positive evidence as to their defective memory or fraudulent intent, and either imputation bears its condemnation on its face. They considered the matter carefully and were in such perfect accord in their recollections that they signed the same certificate. No conceivable evidence could be stronger. There is nothing in refutation except surmise, and there is overwhelming evidence in corroboration.

#### CERTIFICATE.

State of North Carolina—Mecklenburg County.

At the request of Col. William Polk, of Raleigh, made to Major-General George Graham, soliciting him to procure all

the information that could be obtained at this late period, of the transactions which took place in the county of Mecklenburg, in the year 1775, as it respected the people of that county having declared Independence; of the time when the Declaration was made; who were the principal movers and leaders, and the members who composed the body of Patriots who made the Declaration, and signed the same.

We, the undersigned citizens of the said county, and of the several ages set forth opposite to each of our names, do certify and on our honor declare, that we were present in the town of Charlotte, in the said county of Mecklenburg, on the 19th day of May, 1775, when two persons elected from each Captain's Company in said county, appeared as Delegates, to take into consideration the state of the country, and to adopt such measures as to them seemed best, to secure their lives, liberty, and property, from the storm which was gathering, and had burst upon their fellow-citizens to the Eastward, by a British Army, under the authority of the British King and Parliament.

The order for the election of Delegates was given by Col. Thomas Polk, the commanding officer of the militia of the county, with a request that their powers should be ample, touching any measure that should be proposed.

We do further certify and declare, that to the best of our recollection and belief, the delegation was complete from every company, and that the meeting took place in the courthouse, about 12 o'clock on the said 19th day of May, 1775, when *Abraham Alexander* was chosen Chairman, and Dr. *Ephraim Brevard* Secretary. That the Delegates continued in session until in the night of that day; that on the 20th they again met, when a committee, under the direction of the Delegates, had formed several resolves, which were read, and which went to declare themselves, and the people of Mecklenburg County, Free and Independent of the King and Parlia-

ment of Great Britain—and that, from that day thenceforth, all allegiance and political relation was absolved between the good people of Mecklenburg and the King of Great Britain; which Declaration was signed by every member of the Delegation, under the shouts and huzzas of a very large assembly of the people of the county, who had come to know the issue of the meeting. We further believe, that the Declaration of Independence was drawn up by the Secretary, Dr. Ephraim Brevard, and that it was conceived and brought about through the instrumentality and popularity of Col. Thomas Polk, Abraham Alexander, John McKnitt Alexander, Adam Alexander, Ephraim Brevard, John Phifer, and Hezekiah Alexander, with some others.

We do further certify and declare, that in a few days after the Delegates adjourned, Captain James Jack, of the town of Charlotte, was engaged to carry the resolves to the President of Congress, and to our Representatives—one copy for each; and that his expenses were paid by a voluntary subscription. And we do know that Capt. Jack executed the trust, and returned with answers, both from the President and our Delegates in Congress, expressive of their entire approbation of the course that had been adopted, recommending a continuance in the same; and that the time would soon be, when the whole Continent would follow our example.

We further certify and declare, that the measures which were adopted at the time before mentioned, had a general influence on the people of this county to unite them in the cause of liberty and the country, at that time; that the same unanimity and patriotism continued unimpaired to the close of the war; and that the resolutions had considerable effect in harmonizing the people in two or three adjoining counties.

That a committee of Safety for the county were elected, who were clothed with civil and military power, and under their authority several disaffected persons in Rowan, and



Tryon (now Lincoln County,) were sent for, examined, and conveyed (after it was satisfactorily proven they were inimical) to Camden, in South Carolina, for safe-keeping.

We do further certify, that the acts passed by the committee of Safety, were received as the Civil Law of the land in many cases, and that Courts of Justice for the decision of controversies between the people were held, and we have no recollection that dissatisfaction existed in any instance with regard to the judgments of said courts.

We are not, at this late period, able to give the names of all the Delegation who formed the Declaration of Independence; but can safely declare as to the following persons being of the number, viz: Thomas Polk, Abraham Alexander, John McKnitt Alexander, Adam Alexander, Ephraim Brevard, John Phifer, Hezekiah James Balch, Benjamin Patton, Hezekiah Alexander, Richard Barry, William Graham, Matthew M'Clure, Robert Irwin, Zacheus Wilson, Neil Morrison, John Flenniken, John Queary, Ezra Alexander.

In testimony of all and every part herein set forth, we have hereunto set our hands.

GEO. GRAHAM, aged 61, near 62.

WM. HUTCHISON, 68.

JONAS CLARK, 61.

ROB'T. ROBINSON, 68.

#### MORAVIAN CHURCH RECORDS.

2. In the *American Historical Review* for April, 1906, Mr. A. S. Salley, Jr., secretary of the South Carolina Historical Commission and who has made an exhaustive study of the wrong side of the Declaration controversy, said: "If the controversy over the 'Mecklenburg Declaration of Independence' is ever settled, it will have to be done by genuine contemporary documents." This from one of the most indefatigable

of those trying to keep history crooked, voiced the forlorn hope of the hosts of error. They had assured themselves (as they had previously of so many other theories now discredited) that this demand was the one that could not be satisfied and hence was the proper one on which to base their last stand. The demand, however, like all others, was fully met, though the doubters (as was expected) remained of the same opinion still.

"In September, 1904, Mr. O. J. Lehman, of Bethania, N. C., discovered among the Moravian archives at that place" a diary of the Revolution written in German by Traugott Bagge ("The most able man of affairs in Wachovia during the War") in the years from 1775 to 1783. The various events of the period are given in chronological order, and the "genuine contemporary record of the Declaration is here given in the original and in English:

"Ich kan zu Ende des 1775<sup>sten</sup> Jahres nicht unangemerkt lassen, dass schon im Sommer selbigen Jahres, das ist im May, Juny, oder July, die *County Mecklenburg in Nord Carolina* sich für so frey u. *independent* von England *declarirte*, u. solche Einrichtung zur Verwaltung der Gesetze unter sich machte, als jamalen der *Continental Congress* hernach ins Ganze gethan. Dieser *Congress* aber sahe dieses Verfahren als zu frühzeitig an." "*I can not leave unmentioned at the end of the 1775th year, that already in the summer of this year, that is in May, June or July, the County of Mecklenburg in North Carolina declared itself free and independent of England, and made such arrangements for the administration of the laws among themselves, as later the Continental Congress made for all. This Congress, however, considered these proceedings premature.*"

The most that critical ingenuity can bring against this "genuine contemporary document" is the unsupported hypothesis that because of the indefinite date, the reference is

not to May 20 but to May 31. The other items in the Bagge diary show the writer to have been not only well informed but uniformly accurate. It is not therefore within the proper bounds of inference to even suggest that perhaps he meant the Resolves when he said "*The County of Mecklenburg declared itself free and independent of England.*" The Resolves were a declaration of independence, but they were not so known at that time and were not so called in the newspapers for the reason that their main purpose was to form laws for the independent government founded on the Declaration of May 20. The Resolves did not declare independence for "The County of Mecklenburg" but for all the colonies, while the Declaration did declare independence for "The County of Mecklenburg." The indefiniteness as to the date is therefore unimportant as without it the "genuine contemporary document" proves that there was a Declaration of Independence in Mecklenburg in 1775 which was not the Resolves of May 31.

That this document is of unquestionable merit and in itself proof of the Declaration, and with the certificates of participants conclusive proof of the date as being May 20, is evidenced by the following competent expert testimony:

\* \* \* \* \*

As merchant, financier, politician, as a sturdy, conscientious man, Traugotte Bagge ranks among the first in the history of the State."—*Miss Fries.*

\* \* \* \* \*

"I have been much interested in the revival of the discussion concerning the Mecklenburg Declaration of Independence, and particularly gratified that through your researches among the Archives of Wachovia you have found records which substantiate the claims made for this important event. *I am thoroughly familiar with the records, particularly of the Colonial and Revolutionary periods, of the Moravians in America, and esteem them, local and general, of the highest historical value.*"—*John W. Jordan, Librarian Historical Society of Pennsylvania in a letter, January 21, 1907, to Miss Fries.*

\* \* \* \* \*

"The discovery of the 'Bagge Manuscript' effectually sets at rest the

question of the Mecklenburg Declaration of Independence, except perhaps in the minds of those who are unwilling to consider the matter in a fair and unbiased light.

"The Wachovia Archives are a series of records made contemporaneous with the events themselves, and form an unbroken history of the leading events of our section, and of the principal events of the State, and even of the country at large from 1753 to the present day. *In no case has the reliability of these archives ever been brought into question.*"—*John H. Clewell, Archivist of Wachovia and President of Salem College. The Academy, Jan., 1907.*

\* \* \* \* \*

"I wish to express my enthusiastic appreciation of the extremely interesting piece of historical criticism that you have written. It is certainly most clear and convincing and seems to me to be the final word with regard to the document under examination."—*Waldo G. Leland, Department of Historical Research, Carnegie Institution of Washington, in a letter, May 9, 1906, to Miss Fries.*

#### INFLUENCE OF EXCITING NEWS.

3. Joseph Graham, who was present when the Declaration was made, said "The news of the battle of Lexington, the 19th of April preceding, had arrived," and "There appeared among the people much excitement." This reference (corroborated by Rev. Humphrey Hunter) could not have meant the meeting of May 31 in the proceedings of which there is no indication whatever of excitement; in fact the first of the Resolves (declaring independence for all the colonies) is distinctly dispassionate and shows that that matter had already been settled. On the other hand, the Declaration of May 20 is of such a nature as to fulfill the description aside from the fact that various participants testify as to that date, and specific reference is made to the battle.

The Colonial records (Volume IX) demonstrate conclusively that the news of the battle of Lexington was received in Charlotte on or before the nineteenth of May, and hence it could not have excited the meeting of May 31 (in which there was no excitement.) The complete news of the battle was sent out from New Haven April 24 with instructions for for-

warding it to every committee in the colonies, and this instruction was carried out faithfully. The news was received at Edenton May 4, New Bern May 6, Wilmington May 7 (late), and at Charleston May 13. (It was printed in the *Charleston Gazette* of May 16.) From Edenton May 4 (with the note, "For God's sake forward this in haste") it was forwarded to the western counties in North Carolina, arriving at Halifax May 9, and at Hillsboro May 12. From the latter place the news spread rapidly and it undoubtedly was received in Charlotte within the following seven days, and this would have been on or before the nineteenth of May, as Graham and Hunter positively testify. This is cumulative evidence that there were two meetings.

#### THE MARTIN COPY.

4. The Martin copy of the declaration, accepted as the authentic one, was published in the history of North Carolina, by Francis Xavier Martin, in 1829. Martin was then living in the Louisiana territory where he had gone from North Carolina in 1809, and according to his testimony (which is not open to doubt) all his manuscript was prepared before he left North Carolina and the copy of the declaration was obtained before 1800 before the original records in the possession of John McKnitt Alexander were destroyed. Obviously an incorrect copy would not have existed with the original, and hence the Martin copy must be accepted as genuine and accurate as no evidence has ever been presented to the contrary except the usual theorizing of the doubters—those sad, sad words "it might have been" otherwise. The Martin copy is here given in full, with the names of the signers as agreed upon by the witnesses:

*Resolved*, That whosoever directly or indirectly abets or in any way, form or manner countenances the invasion of our rights, as attempted by the Parliament of Great Britain, is an enemy to his country, to America, and the rights of men.



*Resolved*, That we the citizens of Mecklenburg County do hereby dissolve the political bands which have connected us with the mother country, and absolve ourselves from all allegiance to the British Crown, abjuring all political connection with a nation that has wantonly trampled on our rights and liberties, and inhumanly shed the innocent blood of Americans at Lexington.

*Resolved*, That we do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing people, under the power of God and the General Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.

*Resolved*, That we hereby ordain and adopt as rules of conduct, all and each of our former laws, and the Crown of Great Britain can not be considered hereafter as holding any rights, privileges or immunities amongst us.

*Resolved*, That all officers, both civil and military, in this county, be entitled to exercise the same powers and authorities as heretofore: That every member of this delegation shall henceforth be a civil officer and exercise the powers of a justice of the peace, issue process, hear and determine controversies according to law, preserve peace, union and harmony, in the county, and use every exertion to spread the love of liberty and of country, until a more general, and better organized system of government be established.

*Resolved*, That a copy of these resolutions be transmitted by express to the President of the Continental Congress assembled in Philadelphia, to be laid before that body.

THOMAS POLK,  
EPHRAIM BREVARD,  
HEZEKIAH J. BALCH,  
JOHN PHIFER,  
JAMES HARRIS,  
WILLIAM KENNON,  
JOHN FORD,  
RICHARD BARRY,  
HENRY DOWNS,  
EZRA ALEXANDER,  
WILLIAM GRAHAM,  
JOHN QUEARY,  
ABRAHAM ALEXANDER,  
JNO. M'KNITT ALEXANDER,

HEZEKIAH ALEXANDER,  
ADAM ALEXANDER,  
CHARLES ALEXANDER,  
ZACHEUS WILSON, *Sen.*,  
WAIGHTSTILL AVERY,  
BENJAMIN PATTON,  
MATTHEW M'CLURE,  
NEIL MORRISON,  
ROBERT IRWIN,  
JOHN FLENNIKEN,  
DAVID REESE,  
RICHARD HARRIS, *Sen.*,  
JOHN DAVIDSON.

#### DUPLICATE COPIES.

5. The Garden copy corroborates the Martin copy, though they could not have been compared in any way before publi-

cation. The Garden copy was published in Alexander Garden's *Anecdotes of the Revolution* in 1828, and it is identical with the Martin copy; but as the latter was then and had for many years been laid away among Martin's papers, there could not have been any conjunction in the two publications. Garden acknowledges as his source of information Dr. William Read who attended Ephraim Brevard (author of the Declaration) at his last illness in \*1781 at the home of John McKnitt Alexander. There is no reason to doubt that the Garden copy was made from the original papers in the year \*1781, and the identity of this with the Martin copy is conclusive that both of them were direct copies from the original, which fact is strengthened rather than weakened by some very slight and unimportant variations in the two copies. As neither of them has any resemblance in structure or detail to the Resolves, the inference is incontrovertible that they are authentic reproductions of another meeting—that of May 20. There is as much difference in the three printed and one manuscript copy of the Resolves as there is in the copies of the Declaration.

6. Another copy was published in the *Charleston Mercury* of July 4, 1828, which differed only in minor details from the Garden and Martin copies, but as it is not so exact in resemblance, no sound reasoning could claim any collaboration between the producer of it and either Martin or Garden. From the fact, however, that it is in substance the same as the others, it is evident that it must also have been a copy from the original, though a somewhat incorrect one. Garden's *Anecdotes* were published about the same time as the "Guilford" copy, but the manuscript had of course been completed before the publication, and as Garden gave another source for his information, there can be no justification for the claim that the Garden copy was made from the "Guilford" copy.

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\*In the manuscript copy, this date was given 1777. It was changed to 1781 by the author.—Editors.

7. In 1793, Dr. Hugh Williamson, who had announced his purpose to write a history of North Carolina, secured a copy of the Declaration from John McKnitt Alexander, which copy Governor Stokes testifies that he saw in Fayetteville in 1793 in the well-known handwriting of Alexander. This in itself is complete proof and this is completely proven. Governor Swain (editor of the State pamphlet of 1831) said in his letter to George Bancroft, March 18, 1858: "A note on page 5 of the State Pamphlet gives us the assurance of Governor Stokes that in 1793 he saw in the hands of Dr. Williamson, in Fayetteville, a copy of this record, together with a letter from J. McKnitt Alexander in relation to it. *I wrote the note myself* under the direction of Governor Stokes; and though I know he had an exceedingly retentive memory, did not at the time attach much importance to it. I have now before me a letter from Israel Pickens whom I knew familiarly from boyhood \* \* \* represented my native district in Congress \* \* \* first Governor of Alabama \* \* \* died in Cuba after his election to the Senate of the United States \* \* \* I know of no living man whose testimony is entitled to higher consideration than that of Governor Davie, Judge Cameron and Governor Pickens." The letter is then quoted to show that John McKnitt Alexander had many years before told him of sending the copy to Williamson as stated. Williamson did not complete the history as projected (stopping with the year 1771) and his papers were lost. (Judge Cameron had also testified that Alexander told him of the Davie copy in 1800.)

8. The testimony as to the genuineness of the Williamson and other copies is corroborated by John McKnitt Alexander in a statement the authenticity of which is not doubted. Immediately after the burning of his house and the destruction of the original documents in 1800, John McKnitt Alexander made from memory a copy of the declaration for Governor Davie. This copy varies from the Martin copy in some de-

tails but is the same in form and substance, and shows that Alexander was very familiar with the original. It is given in the past tense, but could not have had any possible reference to the Resolves nor have been founded on the national declaration from which it is wholly different except in the common phrases of the time. It must have been the record of an entirely different meeting, and as Alexander also gave the date as May 20, there can be no doubt that it was his recollection of that action; and as the paper is practically the same as the Garden and Martin copies, its accuracy is self-evident. Appended to it in the handwriting of John McKnitt Alexander is this conclusive statement: "It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, may not literally correspond with the original record of the transactions of said delegation and court of enquiry, as all those records and papers were burnt with the house on April 6, 1809; but previous to that time of 1800, a full copy of said records, at the request of Dr. Hugh Williamson, then of New York, but formerly a representative in Congress from this State, was forwarded to him by Col. William Polk, in order that those early transactions might fill their proper place in a history of this State then writing by said Dr. Williamson, in New York."

From this certificate of Alexander, with the corroborative evidence, there can surely be no doubt that a transcript of the original record was sent to Williamson, and Alexander would certainly not have appealed for corroboration of the Davie copy to a genuine original copy without being sure that he was "fundamentally correct." By this alone is fully proven that there were two declarations, and that the more formal one as given in the various copies mentioned was made May 20, 1775.

John McKnitt Alexander left the record of admitted authenticity that he had furnished copies of the Declaration to

Davie and Williamson. If he had been referring to the Resolves of May 31, he would not have mentioned these "copies" but would have referred to the fact that the Resolves were printed in various newspapers of the time.

9. The Resolves of May 31 (given elsewhere in this discussion) show for themselves that they constitute a declaration of independence, and that they are corroborative of the more formal declaration of May 20. There is no inconsistency to be found in the Resolves as supplementary to the Declaration, and as the two documents are available to all, they are their own argument. The first of the Resolves is invulnerable proof that Mecklenburg patriots declared independence in May of 1775.

#### OTHER CERTIFICATES.

10. Capt. James Jack, December 7, 1819, then living in Georgia, testified "respecting the Declaration of Independence by the people of Mecklenburg County, in May, 1775," that he was present "at the time they were adopted," that he was engaged as "the bearer of the proceedings" to Philadelphia, and he delivered "the Mecklenburg Declaration of Independence of May, 1775, to Richard Caswell and William Hooper, the delegates to Congress from the State of North Carolina. Captain Jack's reliability is unquestioned, as is the fact that he did go to Philadelphia with the proceedings, and there is no proof that he meant something different when he said in plain English that it was "the Mecklenburg Declaration of Independence." He further says that Rev. Francis Cummins was a student in Charlotte and present on the occasion mentioned.

11. Rev. Francis Cummins, a Presbyterian minister in Lexington, Ga., November 10, 1819, testified that he was present when the people of the county met in Charlotte in 1775 and "proclaimed independence on English Govern-



ment"; and that Capt. James Jack "was sent with the account of these proceedings to Congress." The certificates of Jack and Cummins are corroborative, but the authors did not consult together, as Jack suggests Cummins not knowing that his certificate had been made a month before.

11. Joseph Graham, whose biography is available to all and whose reliability is unquestionable, testified October 4, 1830, that he was present "on that occasion"; that he attended two meetings"; that Captain Jack carried a copy of the proceedings to Congress; that the news of the battle of Lexington had arrived; that "the committee appointed to draft the resolutions returned, and Dr. Ephraim Brevard read their report, as near as I can recollect, in the very words we have since seen them several times in print"; and that his statements were "all from personal knowledge." This last statement in connection with the reference to the battle of Lexington, leaves no room for doubt of the plain fact that Graham was testifying to the Declaration of May 20, and to the Davie copy or the Martin or Garden copy, all of which were then in print. The Declaration of May 20 contains an explicit reference to the battle of Lexington, while the Resolves do not refer to it in any way, so this witness could not have been describing the Resolves after having already connected the news of the battle with the meeting. This evidence is therefore conclusive not only of two meetings but of the fact that the formal Declaration as testified to by the witness, was a genuine document and was made on the date he gave—May 20.

12. John Simieson, of Providence in Mecklenburg County, testified January 20, 1820, concerning "our Declaration of Independence," that he was present when it was made, and "likewise heard Colonel Polk have two warm disputes with two men of the county, who said the measures were rash and unnecessary. He was applauded and they silenced. \* \* \* *The courts likewise acted independently.* I myself heard a

dispute take place on the bench, and an acting magistrate was actually taken and sent to prison by an order of the Chairman."

13. Isaac Alexander, October 8, 1830, testified that he "was present in Charlotte on the 19th and 20th days of May, 1775, when a regular deputation from all the Captain's companies \* \* \* met to consult and take measures for the peace and tranquility of the citizens of said county \* \* \* who after due consultation, declared themselves absolved from their allegiance to the King of Great Britain, and drew up a Declaration of their Independence, which was unanimously adopted; and employed Capt. James Jack to carry copies thereof to Congress."

14. Samuel Wilson, of Mecklenburg County, in 1830, testified that he was present when "in May, 1775, a committee or delegation from the different militia companies in this county met in Charlotte, and after consulting together, they publicly declared their independence of Great Britain."

15. John Davidson, October 5, 1830, testified "relative to the Mecklenburg Declaration of Independence" that he "was a member of that Convention"; that he and John McKnitt Alexander were the delegates from his company; that "a motion was made to declare ourselves independent of the Crown of Great Britain, which was carried by a large majority. \* \* \* James Jack was appointed to take it to the American Congress."

16. Rev. Humphrey Hunter, in his autobiography written in 1828, testifies specifically as to the Declaration of Independence of May 20 and the details of the meeting in accord with the foregoing testimony, and says that he was present and was twenty years of age, and he testifies as to the Davie copy being the record of the proceedings. The only thing in opposition to the correctness of the testimony of Hunter and the other witnesses is the unsupported surmise that they

might have been talking about the Resolves of May 31 and have gotten the dates and the facts wrong. This same mistake having (by hypothesis) been made by a dozen persons has been aptly described as "a marvelous involuntary error."

17. In the *Raleigh Register*, April 30, 1819, Dr. Joseph McKnitt Alexander published a detailed account of the proceedings of the convention of May 20, which he certified to as being a copy of the records left by his father John McKnitt Alexander, who had written this account from memory after the destruction by fire of the original papers in 1800. There is no reason to question the statements that John McKnitt Alexander left such a record and that the paper signed by F. McKnitt Alexander was a genuine copy of that record, and this direct testimony of John McKnitt Alexander who had kept the original records for twenty-five years is unimpeachable corroborative evidence. The only thing against it is that surmise as to the "marvelous involuntary error" that John McKnitt Alexander had confused the dates and facts, though why one person (to say nothing of a dozen) should mistake May 31 for May 20 has never been explained. The genuineness of the papers produced by Joseph McKnitt Alexander has been questioned but is accepted by Hoyt in his recent book attacking the authenticity of the Declaration. The copy of the Declaration as given by Joseph McKnitt Alexander is the same as the Davie copy found in Governor Davie's papers in 1820 and which is mentioned in the notes left by John McKnitt Alexander. This statement resulted in the discovery of the Davie papers which confirmed the genuineness of the statement in that the Davie copy made in 1800 was found to be the same in substance as the other copy furnished in the Alexander memory record.

18. *The testimony of Governor Josiah Martin in his official papers is a contemporary record that is final with regard to the Mecklenburg Declaration of Independence.* Here surmises

are of no avail. The authenticity of the documents is undisputed, and it is the privilege of every one to examine them and perceive their meaning. June 25, 1775, Governor Martin addressed his Council at Fort Johnston and referred to "the late most treasonable publication of a Committee in the County of Mecklenburg explicitly renouncing obedience to his Majesty's government and all lawful authority whatsoever." June 30, Governor Martin in a letter to the Earl of Dartmouth, said: "The Resolves of the Committee of Mecklenburg which your Lordship will find in the enclosed newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this Continent have yet produced, and your Lordship may depend its Authors and Abettors will not escape my due notice whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of Government."

This is the contemporary record left by Governor Martin, and the only suspicion against it is that it referred to the Resolves of May 31. When Governor Martin made the above statements, he had before him the Resolves of the general committees of Wilmington of June 20 in which he was described as "an enemy to the happiness of this colony in particular and to the freedom, rights, and privileges of America in general." Is it likely that he would have passed over that personal thrust and have described the dispassionate Mecklenburg Resolves of May 31 as "most treasonable." It is not likely, and the denunciatory words apply with more exactness to the Declaration than to the Resolves, though plainly there are references to both. The Resolves did not "explicitly *renounce* obedience" but state the dissolving as having been already accomplished, while the Declaration says explicitly "we hereby dissolve the political bonds" \* \* \* "and absolve ourselves from all allegiance."

Why did Governor Martin June 25 refer to the "late pub-

lication?" The Resolves were published in the *Charleston Gazette* of June 13, in the *New Bern Gazette* of June 16, and in the *Cape Fear Mercury* of June 23 (?) and doubtless Martin had all these papers, as his connection with New Bern was as friendly as with Wilmington and that with Charleston much more so. Then why did he choose the *Cape Fear Mercury* as best expressing the "most treasonable" publication? There could be no reason except that the *Cape Fear Mercury* had more treason in it than the other papers. Also, the only excuse for saying that the *Cape Fear Mercury* was June 23 instead of June 30 is that if it were the latter, it would indicate that it did contain more treason and hence would account for the difference of Martin's temper June 23 and June 30. These are indications that the *Mercury* contained some reference to the Declaration in addition to the Resolves; but from any standpoint, the Martin documents afford irresistible contemporary evidence of Mecklenburg's "most treasonable" action in May of 1775, and in connection with the other equally reliable evidence, points definitely to the Mecklenburg Declaration of Independence of May 20.

\* \* \* \* \*

For full details of the documents cited in the preceding paragraphs, reference may be had to the publications previously mentioned (and to Moore's *Defense of the Declaration*, 1908,) which give biographies of the witnesses with their certificates and letters in full, with others in corroboration. All of the testimony taken together proves other details of the meetings not here mentioned; the purpose in this argument was to prove that the Resolves of May 31 were in themselves a declaration of independence, and that a more formal declaration was made May 20. The first part of the claim is proven by the document itself in its first resolution, and by the comment on that resolution by Force and others. The second claim has in its support the positive statements of



men who were present, and contemporary documents of unquestioned authenticity. *That there were two meetings in May of 1775, and that the two existing documents are both authentic, are facts proven beyond possibility of controversion.* The positive evidence is not hypothetical. Every item is authentic and undisputed. The negative surmises can not shake them. They are clear, strong, definite, detailed, specific. They demonstrate every claim conclusively, and leave no palliation possible for slurs on the monument that stands in Charlotte commemorative of "this brilliant star in our history." All who reverence history should glory in it. It is not narrow. It is American, and as the Mecklenburg patriots showed their broadness of spirit by "not standing at ease until the whole were prepared to advance in line, but boldly and fearlessly marched out to the front," so every true citizen of the nation for which that example was set, should not try to increase "the clouds of error," but should turn from prejudice and face the truth, and as a true American take pride in the manifestation of that fierce spirit of freedom that could not be held and true to the prophecy of Mecklenburg has realized the ambition of a great and free people. The case is complete, and "this brilliant star" shall continue to shine undimmed by the hazy theories of those unable or unwilling to accept the truth.

## MR. SALLEY'S REPLY.

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The reader is requested to examine the evidence quoted or cited in both of the foregoing papers before accepting the conclusions of either of the writers. Selected quotations from Hawks, Swain, Force, Bancroft, or any one else, should not be accepted as evidence unless the whole article from which a quotation has been taken is read.

The truth-seeking reader will discover a wide difference between the import of the statements of the "seven witnesses of most unexceptional character", and that ascribed to them by Dr. Hawks and Mr. Craven. He will find that a little quotation taken from Mr. Force is turned to account to show that Mr. Force believed in the alleged declaration of May 20th. All of Mr. Force's writings on the subject show that he held only the resolutions of the 31st authentic. Bancroft held the same views. McCrady held the same views, and although Mr. Craven tries to turn a quotation from McCrady against the writer, the writer is satisfied that no impartial reader will agree that there is any inconsistency between what he has written and what McCrady wrote. There are witnesses who will corroborate the writer as to General McCrady's views.

On pages 235 and 236 there are some quotations from letters bearing on Bagge's reminiscences. These must not be misunderstood. Mr. Waldo G. Leland, who has been one of the writer's earnest collaborators on this subject, and to whom I am indebted for several very valuable points and authorities, agrees with me that only the resolutions of May 31st are authentic and that all the evidence is against the alleged declaration of May 20th, and he can not be quoted as favoring it. Mr. Craven could have found some equally apt quotations from the writer's own statements in reference to Miss

Fries's paper. Bagge's reminiscences were not contemporaneous with 1775. They were written in 1783 and critical readers will appreciate the value which I have given them.

Mr. Craven says (205) that the resolutions of the 31st "are not now disputed." He has not carefully read the book by Dr. George W. Graham. He says (211) that so far as is known it is "not denied" that "the *Cape Fear Mercury* sent by Governor Martin contained the resolutions of May 31." He has evidently not seen the communication of Dr. George W. Graham in *The American Historical Review* for January, 1908. Mr. Craven himself (245-246) tries to create the impression that Governor Martin referred to the alleged declaration of May 20th in some of his contemporaneous records. There is not a scintilla of evidence to show any such thing and Mr. Craven does not offer any.

He tries to make light (208) of the writer's distinction between the use of "committee" and "convention." The writer pointed out that those witnesses who naturally knew the most about affairs of 1775 always said committee but that the fabricated declaration contained the word convention. Critical readers will appreciate the differentiation.

He tries to show that the 31st resolutions are equally as inconsistent with the action of the Provincial Congress in August, 1775, and the proceedings of the county courts, as is with the alleged declaration. The critical reader can pass upon that matter with better judgment than can Mr. Craven.

He tries to create (212) the impression that the court records show that court was still held in the name of the crown after July 4, 1776. No court was held in October, 1776, showing that the national Declaration of Independence put an end to the "crown docket."

He insists that Mecklenburg County was divided into militia companies from its creation in 1762. That is not confirmed by *Wells's Register* for 1775, which contains the mili-

tary establishment of North Carolina. If there was a full regiment in the county why was one organized under the 31st resolutions, and why were the companies directed to "provide themselves with proper Arms and Accoutrements?"

Mr. Craven takes a different view of the 31st resolutions from that held by any previous advocate of the alleged declaration. He claims that those resolutions constituted a declaration of independence and quotes an extract from them (211) to sustain his view. That extract *must* be construed with the whole document. Critical readers will observe the distinctions the writer has drawn.

He wants to know why Joseph McKnitt Alexander did not use the 31st resolutions in his fabrication if such it was. Because he did not have a copy; otherwise he would not have fabricated at all when Representative Davidson called for a copy of the traditional declaration. If he had ever had a copy we may be sure he would have dragged it into the controversy with the same claim Mr. Craven makes—that they were secondary to the declaration and an outgrowth thereof. An opinion that no critical observer not afflicted with Mecklenburgomania will ever accept.

Mr. Craven says (218): "Up to this time, no one had ever questioned the veracity of Francis Xavier Martin." Take a look at Note 2 on pages 32-33 of *Southern Quakers and Slavery* by Stephen B. Weeks, of North Carolina. In a private letter to the writer Dr. Weeks says: "When he did not pervert facts he was careless in the collection of facts and his work is worthless when unsupported." That is confirmed by the work itself. Attention is further invited to the account of Martin by Charles Gayarre, some time United States Senator from Louisiana, in *Fernando de Lemos* (246-249). It is there made evident that Martin was in his dotage when he told Dr. Hawks that he got that copy in Western North Carolina before 1800. Is it not probable that

Dr. Hawks asked him the leading question: "Before 1800"? The writer has shown where he got it. Murphey's correspondence with him is sufficient. Murphey had its prototype and shows that it came from Joseph McKnitt Alexander. Martin's copy contains no signers. Why does Mr. Craven add them to it in his work? Readers are asked not to take Mr. Craven's statement as to John Davidson (220) but to examine the State pamphlet the writer was discussing and see if the name is there given as a "signer."

Mr. Craven denies that Garden's account is the counterpart of Guilford's. Readers are asked to compare them. Mr. Craven states that Garden got his information from Dr. William Read. Garden nowhere says so. Dr. Read did not attend Dr. Ephraim Brevard "in his last illness in 1777", for Dr. Read joined Washington's army in the North in 1776 and served with it as Deputy Surgeon-General until 1780 when he was detached to the South with Gates's army, and Dr. Brevard had no last illness in 1777 for he was at the siege of Charles Town in 1780. Dr. Read told Garden an anecdote about General Lock of North Carolina and of course that makes him authority for the Mecklenburg story that Garden published. Dr. Read was not a "fellow-citizen of Charleston with Garden", but resided on his plantation in Georgetown District about seventy-five miles from Charleston.

As to the writer's part in showing up the fraud of Millington Miller the reader is invited to examine his paper in *The State* (Columbia) of July 30, 1905; Mr. Craven's of August 27, 1905, in the *Charlotte Daily Observer*; Professor Alexander Graham's paper in the same for October 4, 1905; the writer's pamphlet *The True Mecklenburg Declaration of Independence* published in October, 1905, and hundreds of criticisms from all over the United States and see whose work has counted for the most. And if any one has any curiosity to know the inside history of how Millington Miller was forced



to "show-down" the writer is willing to display the private correspondence whereby that result was obtained and he has no fear that any one will agree for a moment that Mr. Craven's efforts, or those of the pompous committee from Charlotte that tried to ridicule a man of Worthington Ford's position in American historical literature, had much to do with bringing that event about. But that matter has nothing to do with this discussion, even if it does show the credulity of a Mecklenburg myth worshipper.

The writer has not the slightest fear that any impartial reader of recognized critical ability will find in his paper *any* "omissions, suppressions and misrepresentations." He is equally confident that critical readers will find his own words not only misconstrued, misrepresented and garbled, but improperly quoted. The effort to make this writer reflect on the Presbyterians generally of North Carolina is a gross misrepresentation. The reader is asked to carefully compare Mr. Craven's excerpts from the writer's paper and his own comments on those excerpts with the paper itself.

The quotation from Disraeli (222) is apt—for a man lacking originality. It is cumulative evidence on what is apparent throughout Mr. Craven's paper: that memorized quotations constitute his chief source of originality. The use of "words, words, words" (203-204) is the second time he has availed himself of that identical argument in controversy with this writer. The injection of such personalities into a discussion of an historical question is unhistorical and unethical, but it has invariably been the favorite method of those who can not rebut the evidence and can not refute the arguments of those who have from time to time contradicted the authenticity of the alleged Declaration of Independence of May 20, 1775.

## MR. CRAVEN'S REJOINDER.

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"A little nonsense now and then is relished by the best of men," and I fully appreciate the concluding paragraph of the foregoing reply. I respectfully plead guilty to the charge of repetition in using the famous quotation, "words, words, words," with regard to certain frequent incursions into the rich field of North Carolina History. My only defense is my inability to find another quotation that is sufficiently accurate and appropriate. As to the further charge of "unhistorical and unethical" conduct in the use of personalities, I demur, and cite the fact that in my lengthy reply to Mr. Salley, his name is mentioned twice, and in his fifteen brief paragraphs replying to my reply my name is mentioned seventeen times.

In paragraph number two of the reply, a personal opinion is expressed as to the views of Force, Bancroft and McCrady, and the statement is made: "There are witnesses who will corroborate the writer as to General McCrady's views." As I gave the "views" themselves, the readers have as much right to opinions as any one else.

Dr. George W. Graham is brought forward to confound my argument, but it happens that Dr. Graham has carefully read all of the preceding discussion and endorses my position.

The "crown docket" is again brought into court with the claim that "the national Declaration of Independence put an end to the crown docket." In this point I have the authority with me, as can be seen by reference to the bottom of page 167 preceding, where Mr. A. S. Salley, Jr., says "and at their July, 1776, term, continued the 'crown docket' to the next term."

"It is there made evident that Martin was in his dotage

.....” This was one of the few friends of the Declaration who had not been declared defective in memory, and in the last days it seems that even he is not to be spared. He told Dr. Hawks that he obtained the copy of the declaration “before 1800”, and the baseless insinuation of “dotage” is of no consequence whatever. Furthermore, the unsupported and unsupportable statement “in a private letter” of Dr. Stephen B. Weeks (who is a near neighbor in my home town) is not sufficient to even raise a question as to the reliability of Francis Xavier Martin.

It is true that Dr. Ephraim Brevard died in 1781 and not in 1777 as stated. At the time of his death, General Gates had his headquarters in Charlotte, and Dr. William Read was with him. Dr. Read attended Dr. Brevard in his last illness at the home of John McKnitt Alexander and there secured the information given later to Alexander Garden.

The “committee from Charlotte” was not “pompous” and made no attempt to ridicule Worthington Ford. The committee’s report was printed January 1 and Mr. Ford’s twelve days later, and hence Mr. Ford ridiculed himself by claiming that he exposed the Miller forgery.

Regarding the reflections on the Presbyterians, this depends upon whether or not it would be considered a compliment to be called a “myth-worshipping idolator”. The writer’s *animus* is also shown by the coinage in the reply of the amorphous word “Mecklenburgomania.” Instead of mania on his part there is simply a paretic condition of an otherwise able mind with regard to May 20, 1775, and incidentally to March 15, 1767. Concerning the real evidence as to facts on these dates he sticks to his contention: “I didn’t see it; therefore it isn’t so”.

In conclusion, I hold these truths to be self-evident:

1. Personal opinions and surmises and hypotheses are not entitled to any consideration in this discussion.

2. The testimony of eye-witnesses is the strongest of all testimony, and there are seven for the Declaration of May 20 and none against.

3. Contemporary evidence is next strongest, and there is such evidence for the Declaration and none against.

4. Corroborative evidence is next in importance and there is an abundance of it for the Declaration; and corroborative evidence is not admissible without previous positive direct evidence of which there is none against the Declaration.

5. The Resolves of May 31, 1775, are undisputed and are their own argument as to whether or not they constitute a Declaration of Independence.

## BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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COMPILED AND EDITED BY MRS. E. E. MOFFITT.

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### BRUCE CRAVEN.

A biographical sketch of Professor Bruce Craven appeared in the Booklet for October 1908 with his contribution entitled "The Significance of the Mecklenburg Declaration of Independence." Among his recent writings (besides various newspaper contributions) are the following: The Modern Schoolmaster, in *Educational Foundations* of New York for September; The Value of Words, in *The Boston Journal of Education* for November 12; Testing the Teacher's Efficiency, in *Educational Foundations* for December; Religious Education, in *American Education*, of Albany, for January; and Non-Religious Moral Training, in the *New York School Journal* for January.

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### ALEXANDER SAMUEL SALLEY, JR.

Alexander Samuel Salley, Jr., son of A. M. Salley, was born in Orangeburg County, S. C., June 16, 1871. He was prepared for college at Sheridan's Classical School of Orangeburg, S. C., and afterwards was graduated from the South Carolina Military Academy in 1892. He studied law and in 1889 was admitted to the bar. He is the author of History of Orangeburg County, S. C., 1704 to 1782; and compiled and edited Marriage Notices from the South Carolina Gazette and its Successors, 1732-1801; Marriage Notices from the South Carolina Gazette and Country Journal (1765-1775) and from the Charlestown Gazette (1778-1780). He has also edited the following: Register of St. Philip's



Parish, Charlestown, S. C., 1720-1758; Journal of the General Assembly of South Carolina, Mar. 26, 1776-April 11, 1776; Journal of the Grand Council of South Carolina, 1671-1680; Journal of the Grand Council of South Carolina, April 11, 1692-Sept. 26, 1692; and Vols. 1-8, South Carolina Historical and Genealogical Magazine, 1900-1907. He is likewise a frequent contributor of historical, biographical, and bibliographical articles to various publications. He is now Secretary of the South Carolina Historical Commission.

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NOTE.—The Edwards & Broughton Printing Company, Raleigh, N. C., has recently published "Defence of the Mecklenburg Declaration of Independence," by James H. Moore, of Macon, Ga. This scholarly work has been well received by historical critics, and the reviews of it given in leading northern and southern periodicals have been, with but few exceptions, favorable to the author's contention. We hope to secure from Mr. Moore an article, summarizing the evidence in favor of the Mecklenburg Declaration, to be published in the BOOKLET.

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*To the Readers of the North Carolina Booklet:*

It is the intention of the "North Carolina Society Daughters of the Revolution" to give a detailed account of the unveiling of the Bronze Tablet which they caused to be erected in the State Capitol on Oct. 24, 1908. This will appear in a future number or in an extra issue of the BOOKLET.

This tablet represents the first patriotic effort that the Society has made. It commemorates the heroism of the women of the Edenton Tea Party of 1774, "who by their patriotism, zeal, and early protest against unjust taxation by British authority, helped to make this Republic and our Commonwealth possible."

Since the organization in 1896 of the North Carolina Branch of the "General Society Daughters of the Revolu-

tion," its endeavor has been to carry out the tenets of the Constitution, the objects of which are "to perpetuate the patriotic spirit of the men and women who achieved American Independence; to commemorate prominent events connected with the War of the Revolution; to collect, publish and preserve the rolls, records and historic documents relating to that period; and to encourage the study of the country's history."

The first four years of the life of the organization, was given principally to the reading of State history, endorsing patriotic movements in this State and other sister States, and the writing of sketches of the patriots through whom members became lineally eligible to membership.

The requirements were that these sketches should be historically correct, and embodying such traditions as would render them more interesting and acceptable. Many of the members complied with these requirements, and these sketches after being read and approved were deposited with our Librarian, in the archives of this Society.

While continuing in the work of perpetuating the deeds of our ancestors, a wider field was opened, that of erecting memorials, as object lessons to posterity. At a meeting of the Society in December 1900, Mrs. Spier Whitaker, then our wise patriotic and zealous Regent, suggested a *memorial* to the patriotic ladies of the "Edenton Tea Party of Oct. 25, 1774," as an object especially appropriate for a Woman's Society. This suggestion met with the most hearty approval of the members, and a resolution adopted to make this the *first* event for commemoration.

Pertinent to the above, our honored late Regent (1902), Mrs. Daniel Harvey Hill, made the following clear, concise and authoritative statement in a preface to the BOOKLET:

"These stout-hearted women are every way worthy of admiration. On Oct. 25, 1774, seven months before the defiant

farmers of Mecklenburg had been aroused to the point of signing the Declaration of Independence, nearly twenty months before the declaration made by the gentlemen composing the vestry of St. Paul's Church, Edenton, nearly two years before Jefferson penned the immortal National Declaration, these daring women solemnly subscribed to a document affirming that they would use no article taxed by England. Their example fostered in the whole State a determination to die, or be free."

To accomplish this purpose, various schemes were devised for raising the required funds without calling on the public for contributions. It was then decided to publish in convenient form "Sketches of Great Events in North Carolina History" with the twofold object—the one to raise from the yearly subscriptions a fund for this memorial, and the other to place in the hands of the reading public interesting sketches relating to the past history of the State, Colonial and Revolutionary, and that the most painstaking and competent scholars and educators in the State be requested to write the articles.

The enterprise first took form in May, 1901, under the modest title of the "North Carolina Booklet" and continued as a monthly publication for four years, and was changed to a quarterly in 1905, containing three articles instead of one.

The work still continues as a quarterly, "supported by the cordial sympathy and cooperation of many of the best equipped scholars and writers of the State, who have so cheerfully contributed numerous articles, free of cost."

The tablet which now adorns the walls of the Rotunda represents over five hundred dollars, the profits of four years arising from the publication of the BOOKLET, and the profits of one entertainment given by the blind pupils of the State Institution who cheerfully aided with their talents in this patriotic undertaking.

There yet remains in bank a creditable fund, which stands as a nucleus to which subscriptions to the BOOKLET will be added with which to erect other memorials.

There were similar movements to that of the "Tea Party," which history has not recorded. Women in other counties of the State met to declare their determination to stand by principles resisting tyranny, and leading to Independence, which should be commemorated.

In order to do this a larger subscription list to the BOOKLET will become necessary. Therefore we appeal to the patriotic citizenship of the State, to aid the Daughters of the Revolution in a venture that has proved thus far successful.

The eighth volume is well advanced, and the outlook is encouraging. The Editors still continue to admit to its pages such articles of historical investigation as will aid the already awakened spirit of the people, viz, the claim of North Carolina to a high place in the history of the United States.

# INFORMATION

## Concerning *the Patriotic Society*

### "*Daughters of the Revolution*"

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The General Society was founded October 11, 1890,—and organized August 20, 1891,—under the name of "Daughters of the American Revolution"; was incorporated under the laws of the State of New York as an organization national in its work and purpose. Some of the members of this organization becoming dissatisfied with the terms of entrance, withdrew from it and, in 1891, formed under the slightly differing name "Daughters of the Revolution," eligibility to which from the moment of its existence has been *lineal* descent from an ancestor who rendered patriotic service during the War of Independence.

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### "*The North Carolina Society*"

a subdivision of the General Society, was organized in October, 1896, and has continued to promote the purposes of its institution and to observe the Constitution and By-Laws.

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### Membership and Qualifications

Any woman shall be eligible who is above the age of eighteen years, of good character, and a *lineal* descendant of an ancestor who (1) was a signer of the Declaration of Independence, a member of the Continental Congress, Legislature or General Court, of any of the Colonies or States; or (2) rendered civil, military or naval service under the authority of any of the thirteen Colonies, or of the Continental Congress; or (3) by service rendered during the War of the Revolution became liable to the penalty of treason against the government of Great Britain: *Provided*, that such ancestor always remained loyal to the cause of American Independence.

The chief work of the North Carolina Society for the past seven years has been the publication of the "North Carolina Booklet," a quarterly publication on great events in North Carolina history—Colonial and Revolutionary. \$1.00 per year. It will continue to extend its work and to spread the knowledge of its History and Biography in other States.

This Society has its headquarters in Raleigh, N. C., Room 411, Carolina Trust Company Building, 232 Fayetteville Street.







BRONZE TABLET UNVEILED IN STATE CAPITOL OF NORTH CAROLINA, OCTOBER 24, 1908.

Vol. VIII

APRIL, 1909

No. 4

*The*  
**NORTH CAROLINA BOOKLET**

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*"Carolina! Carolina! Heaven's blessings attend her!  
While we live we will cherish, protect and defend her."*

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Published by  
**THE NORTH CAROLINA SOCIETY**  
**DAUGHTERS OF THE REVOLUTION**

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The object of the BOOKLET is to aid in developing and preserving North Carolina History. The proceeds arising from its publication will be devoted to patriotic purposes.

EDITORS.

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DR. KEMP P. BATTLE.  
MR. MARSHALL DELANCEY HAYWOOD.

MR. R. D. W. CONNOR.  
DR. E. W. SIKES.  
DR. RICHARD DILLARD.  
MR. JAMES SPRUNT.  
JUDGE WALTER CLARK.

EDITORS:

MISS MARY HILLIARD HINTON, MRS. E. E. MOFFITT.

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OFFICERS OF THE NORTH CAROLINA SOCIETY  
DAUGHTERS OF THE REVOLUTION,  
1906-1908.

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MRS. E. E. MOFFITT.

VICE-REGENT:

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FOUNDER OF THE NORTH CAROLINA SOCIETY AND REGENT 1896-1902:

MRS. SPIER WHITAKER.

REGENT 1902:

MRS. D. H. HILL, SR.\*

REGENT 1902-1906:

MRS. THOMAS K. BRUNER.

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\*Died December 12, 1904.







UNVEILING OF MEMORIAL TABLET, STATE CAPITOL NORTH CAROLINA, OCTOBER 24, 1908.

## THE NORTH CAROLINA BOOKLET.

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Vol. VIII

APRIL, 1909

No. 4

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### THE UNVEILING AND DEDICATION OF THE EDENTON TEA PARTY MEMORIAL TABLET.

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The autumn of 1908 will be recorded in the history of the Daughters of the Revolution as a notable one. Our President-General, Mrs. Adeline F. Fitz, has just cause to be proud of the achievements of her Daughters, and it is to be hoped that the brilliant beginning of her able administration will be followed by even greater efforts and larger attainments.

On October the seventeenth the New York Society laid the corner stone of the granite arch that is to mark the entrance to Stony Point Park, amid fitting ceremonies. That same month the Daughters of the Pennsylvania Society placed two bronze memorial tablets in Independence Hall, Philadelphia. The New Jersey Society suggested and aided extensively in erecting the monument to the "Tea Burners," unveiled October the fourth at Greenwich, New Jersey, while the Long Island Society contributed six thousand of the twenty-five thousand dollars expended on the beautiful column to the memory of the Prison Ship martyrs, November the fourteenth in Fort Greene Park, Brooklyn. The Massachusetts Society remembered her heroic Paul Revere in furnishing a room to bear his name. Last, but by no means least with us, the Daughters of North Carolina, was the placing in the rotunda of our capitol on Saturday, October the twenty-fourth, the handsome oval bronze tablet "to the memory of the fifty-one ladies of Edenton" who on October

twenty-fifth, 1774, signed the resolves that had been adopted by the Provincial Congress recently held at New Bern.

This had been a day long anticipated by the Daughters of the Revolution in this State. More than seven years have passed since the idea was first contemplated of undertaking this definite patriotic work. The result has been satisfactory, for we worked cautiously, fully realizing history requires careful dealing, substantiating every statement with well authenticated facts.

This is the most representative monument ever placed in North Carolina, for the funds were raised by dimes, quarters and dollars—coming literally “from Murphy to Manteo”—“from Carolina to California.” It is also the only one erected by women to the memory of heroic women in the State.

As much care was bestowed on the design of the tablet itself as has been required for the raising of the necessary funds. To Dr. Dillard and Mr. John J. Blair we are indebted for the original suggestions. Mr. R. T. Haines Halsey, of New York, showed great interest in the work, shipping a rare piece of his Colonial silver to Gorham’s works in Providence, R. I., from which the tea pot in the center of the tablet was drawn. The cut of the lady’s hand emptying the tea caddy was taken from the cover of the pamphlet concerning the Edenton Tea Party by Dr. Dillard, and presented to the North Carolina Historical Exhibit at the Jamestown Exposition for distribution, and was the work of Miss May Beverly Dixon.

One thousand invitations were issued for this event. The exact date of the anniversary falling on Sunday caused the selection of the 24th. Out-of-town guests from our sister society, the D. A. R., as well as members from our own order, honored us with their presence.

The day dawned bright and clear after a night of heavy

rainfall, seemingly an auspicious omen. A large and representative audience filled the floor and galleries of the Hall of Representatives. The managers were: Mrs. Hubert Haywood, Miss Martha Helen Haywood, Miss Mary Hilliard Hinton, assisted by Colonel Bennehan Cameron, representing the Society of the Cincinnati, and Mr. Marshall DeLancey Haywood, representing the Sons of the Revolution. Thirteen pages were chosen, representing different Daughters of the Revolution, and the Revolutionary ancestors upon whose services eligibility in the Society was based. Each manager and page wore a badge of buff and blue—the Society's colors. Mrs. Moffitt, the State Regent, presided, announcing each subject in order. The music was furnished by the band of the Blind Institution and the High School chorus.

After the exercises the audience descended to the rotunda below, where the thirteen little children (typifying the thirteen original States) unveiled the tablet, each pulling a tiny ribbon. These also were descendants of Revolutionary patriots.

Two photographs were taken in the rotunda—one before and one after the flag had been drawn from the tablet. Around and on the monument in the golden autumn sunshine, forming a pretty pyramid of unveilers, pages, Daughters and guests, an effective group was formed and the photographer a third time used his camera successfully.

That afternoon from four to six the halls and music room of the Yarborough Hotel were graciously tendered the Daughters of the Revolution for a reception. To this anniversary of the Edenton Tea Party informal invitations were extended to about one hundred persons—the members of the patriotic organizations, the officers of the Woman's Club and historians—who had so generously given their time and labor in our cause.

MARY HILLIARD HINTON.



1774—1908



## Programme

of the

# Unveiling and Dedication of the Tablet

in Memory of the

Fifty-one Signers

of the

Edenton Tea Party Resolves

in the

Capitol, Raleigh, North Carolina

Erected by the

North Carolina Society

of the

Daughters of the Revolution

October the twenty-fourth

Nineteen Hundred and Eight

Eleven-thirty a. m.



## **Pages**

### **Descendants of Revolutionary Patriots**

VAN DALEN STRONACH  
FLEMING BATES SHERWOOD  
BRANDON BRUNER  
EUGENIA GRAHAM CLARK  
EVELYN HYMAN JACKSON  
JEAN THACKSTON  
PAULINE HILL  
BELLE MAYO CAMERON  
BESSIE CAIN HINTON  
EMILY BROWNING ADICKES  
BETSY JOHN HAYWOOD  
ANNIE CAROLINE WOOD  
REBECCA BENNEHAN WOOD  
NELLY BATTLE LEWIS  
MARY BRYAN HOLLISTER  
BESSIE HOLLISTER

### **Tablet to be unveiled by thirteen descendants of Revolutionary Patriots representing the Thirteen Colonies**

KATHARINE HAYWOOD BAKER  
JOHN BENBURY HAYWOOD  
HARDY MURFREE RAY  
BANKS DANIEL WITHERS  
WILLIAM ISAAC PROCTOR  
W. N. HARRELL SMITH, JR.  
JONATHAN WORTH DANIELS  
SAMUEL SPENCER JACKSON  
ANNIE MOORE PARKER  
LUCY HAWKINS HIGGS  
ELIZABETH MURRAY CROSS  
RANDOLPH HILL  
GENE GRAY HECK

## **Managers**

Mrs. HUBERT HAYWOOD  
Miss MARTHA HELEN HAYWOOD  
Miss MARY HILLIARD HINTON  
COLONEL BENNEHAN CAMERON  
Representing the Society of the Cincinnati.  
Mr. MARSHALL DeLANCEY HAYWOOD  
Representing the Sons of the Revolution.

## PROGRAMME.

MUSIC—Star-Spangled Banner.

PRAYER—Rev. Robert Brent Drane, D.D.,  
Rector of St. Paul's Church, Edenton, North Carolina.

INTRODUCTORY ADDRESS—Mrs. Patrick Matthew,  
Regent Penelope Barker Chapter, D. R.

MUSIC—Carolina, by High School Chorus.

PRESENTATION OF TABLET—Mrs. E. E. Moffitt,  
Regent North Carolina Society Daughters of the  
Revolution.

ADDRESS OF ACCEPTANCE—Hon. Francis D. Winston,  
Lieutenant-Governor of North Carolina.

ADDRESS—Hon. Walter Clark,  
Chief Justice Supreme Court of North Carolina.

BENEDICTION—Dr. Benjamin F. Dixon.

MUSIC—America, by High School Chorus.

Unveiling of Tablet in Rotunda of the Capitol.

MUSIC.

## PAGES

## REPRESENTING MEMBERS OF N. C. D. R. DESCENDANTS OF REVOLUTIONARY PATRIOTS.

(Compiled by the Regent and the Genealogist.)

ADICKES, EMILY BROWNING. Raleigh, N. C.

Daughter of Henning F. Adickes and wife, Emily Browning (Clawson) Adickes. Representing Mrs. H. F. Adickes, member of N. C. D. R. Lineal descendant of Maj. Robert Crawford a soldier of the Revolution of Waxhaw, S. C.; under Sumter at Battle of Hanging Rock, S. C. Equipped a whole company and served during the whole of the Revolutionary War.

BRUNER, BRANDON. Raleigh, N. C.

Son of Thomas Kincaid Bruner and wife, Belle (Boyden) Bruner. Representing Mrs. Thomas K. Bruner, member of the N. C. D. R. Lineal descendant of Col. James Martin (brother of Governor Alexander Martin), appointed Colonel of Guilford County, April 22, 1776. Commanded at Battle of Guilford Court-house—"the most important to the cause of America in the whole South."

CLARK, EUGENIA GRAHAM. Raleigh, N. C.

Daughter of Judge Walter Clark and wife, Susan Washington (Graham) Clark. Representing Mrs. Walter Clark, member of the N. C. D. R. Lineal descendant of Gen. Joseph Graham, of Lincoln County, N. C.; Adjutant and afterward Major of the 4th Regiment of the N. C. Continental Line. May 1778, Major-General of 5th Division of N. C. Militia. Commanded in fifteen engagements in the Revolutionary War.

HINTON, BESSIE CAIN. Raleigh, N. C.

Daughter of Charles Hinton and wife, Bessie Cain Hinton. Representing Miss Mary Hilliard Hinton (her aunt), a member of the N. C. D. R. Descendant of Col. John Hinton (Patriot ancestor), delegate from Wake County to Provincial Congress held at Hillsboro, August 1775. Colonel of Minute Men of Wake County; member of Provincial Congress at Halifax April 4, 1776; served at Battle of Moore's Creek Bridge. Died 1784. Also descendant of Col. Jonas Johnson, Patriot of Edgecombe County, N. C.

HOLLISTER, BESSIE HOOVER. New Bern, N. C.

Daughter of Charles Slover Hollister and wife, Mary (Bryan) Hollister. Representing Mrs. Charles Hollister, member of N. C. D. R. Lineal descendant of Gen. William Bryan, Lieutenant-Colonel of Minute Men, Craven County, N. C., 1775; member of Provincial Congress at Halifax April 4, 1776; served as General in the Revolution.

**HOLLISTER, MARY BRYAN.** New Bern, N. C.

Daughter of Charles Slover Hollister and wife, Mary (Bryan) Hollister. Representing Mrs. Charles Hollister, member of the N. C. D. R. Lineal descendant of Gen. William Bryan, Lieutenant-Colonel of Minute Men, of New Bern District, 1775; member of Provincial Congress at Halifax, April 4, 1776; served as General in the Revolution.

**HAYWOOD (BETSY JOHN), ELIZA EAGLES.** Raleigh, N. C.

Daughter of Dr. Hubert Haywood and wife, Emily Ryan (Benbury) Haywood. Representing Mrs. Hubert Haywood, member of the N. C. D. R. Lineal descendant of Col. William Haywood, appointed on Committee of Safety, Halifax District, 1775; Provincial Congress at Halifax April 4, 1776; member of Constitutional Convention, Halifax, April 13, 1776. Also descendant of Gen. Thomas Benbury, Brig.-Gen. William Skinner and Col. John Pugh Williams.

**HILL, PAULINE,** Raleigh, N. C.

Daughter of Daniel Harvey Hill and wife, Pauline (White) Hill. Representing Mrs. D. H. Hill (her deceased grandmother) and former Regent of the N. C. D. R. Lineal descendant of William Hill, Colonel of South Carolina Militia, Hill's Iron Works, York District, S. C.; participated in battle of Hanging Rock, S. C., August 6, 1780. Also descendant of Gen. Joseph Graham, of Lincoln County, who served in fifteen engagements in the Revolutionary War.

**LEWIS, CORNELIA BATTLE,** Raleigh, N. C.

Daughter of Dr. Richard Henry Lewis and wife, Mary Long Gordon, of Virginia. Representing the Secretary of the "Edenton Tea Party of 1774." Lineal descendant of Winifred Wiggans Hoskins, of Edenton, N. C., the wife of Richard Hoskins, a brave and zealous Patriot who served in the Revolution until its close.

**JACKSON, EVELYN HYMAN,** Raleigh, N. C.

Daughter of Herbert Worth Jackson and wife, Annie Hyman (Philips) Jackson. Representing Mrs. E. E. Moffitt (her grandmother), member of the N. C. D. R. Lineal descendant of Col. Archibald Murphey, Major and Lieutenant-Colonel N. C. Militia, member of Committee of Safety, 1776, Orange County, N. C. Also descendant of Col. William Burt, of Nash County, and Judge Samuel Spencer, of Anson County, N. C., (Revolutionary Patriots).

**PICKELL, VIRGINIA BOLLING HOLLADAY,** Raleigh.

Daughter of J. M. Pickell and wife, Julia Bolling (Holladay). Representing her grandmother, Mrs. A. Q. Holladay (deceased), former Vice-Regent of N. C. D. R. Lineal descendant of Bollings, Holladays, Lewises, etc., of Virginia, also of Col. Richard Randolph, of "Curles," on the James, Virginia.

**SHERWOOD, FLEMING BATES, Raleigh, N. C.**

Son of Francis Webber Sherwood and wife, Mary Priscilla (Bates) Sherwood. Representing Mrs. F. W. Sherwood, member of the N. C. D. R. Lineal descendant of Maj. James Moore, of Pennsylvania. Was first Captain 7th Co., 4th Battalion, under Col. Anthony Wayne (1776); participated in the battles of Brandywine, Trenton, Princeton, etc. Was promoted Major 1777. Fought at Valley Forge, Yorktown, serving through the whole war.

**STRONACH, VAN DALEN, Raleigh, N. C.**

Son of Alexander Barron Stronach and wife, Mary Augustine (Cooke) Stronach. Representing Mrs. A. B. Stronach, member of the N. C. D. R. Lineal descendant of Capt. Richard Donaldson Cooke, Captain in the 9th Regiment N. C. Continental Line from November 28, 1776, to January, 1778.

**THACKSTON, JEAN, Raleigh, N. C.**

Daughter of John W. Thackston and wife, Annie (Beckwith) Thackston. Representing Mrs. J. W. Thackston, member of N. C. D. R. Lineal descendant of Sergt. John Beckwith of the Connecticut Continental Line (1776); Lieutenant, 1777; Captain, 1778.

**WOOD, ANNIE CAROLINE, Edenton, N. C.**

Daughter of John Wood and wife, Bessie Martin Wood. Representing Miss Sophie Wood, member of the N. C. D. R. Lineal descendant of Gen. Isaac Gregory, of Pasquotank County, member of Committee of Safety, 1776; member of Constitutional Convention at Halifax, November 12, 1776; Colonel of 2d Regiment, afterwards promoted to General.

**WOOD, REBECCA BENNEHAN, Edenton, N. C.**

Daughter of Frank Wood and wife, Rebecca Bennehan (Collins) Wood. Representing Mrs. W. D. Pruden (her aunt), member of the N. C. D. R. Lineal descendant of Charles Moore, Secretary to Military Organizations of Perquimans County, N. C.; member of Provincial Congress at Halifax, N. C., April 4, 1776.

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## UNVEILERS.

**BAKER, KATHERINE BOYLAN HAYWOOD. Born March 24, 1901.**

Daughter of Benjamin Whiteley Baker and wife, Katherine Boylan (Haywood) Baker. Representing Martha Helen Haywood (her aunt), member of N. C. D. R. Lineal descendant of Col. William Haywood, member of Committee of Safety of Halifax County, N. C., 1775; of Provincial Congress at Halifax, April, 1776, also November, 1776, which formed the Constitution.



CAMERON, BELLE MAYO. Born 1900.

Daughter of Bennehan Cameron and wife, Sallie (Mayo) Cameron. Representing Mrs. Annie (Shepherd) Graham, member of the N. C. D. R., descendant of Capt. John Daves, of the Second North Carolina Continentals. Active at Battle of Stony Point, New York, etc.

CROSS, ELIZABETH MURRAY. Born July 3, 1901. Raleigh, N. C.

Daughter of John William Cross and wife, Carrie (Murray) Cross. Representing Mrs. John W. Cross, member of the N. C. D. R. Lineal descendant of Capt. Richard Donaldson Cooke, Captain in 9th Regiment N. C., Continental Line from November 28, 1776 to January, 1778. Also surgeon in the army.

DANIELS, JONATHAN WORTH. Born April 26, 1902.

Son of Josephus Daniels and wife, Adelaide Worth (Bagley). Representing Mrs. Adelaide Bagley, member of N. C. D. R. Descendant of Col. Archibald Murphey (Patriot ancestor), Maj. and Lieut. Col. N. C. Militia; member of Committee of Safety for Orange County, N. C.

HECK, GENE GRAY. Born July 24, 1897. Richmond.

Daughter of George Callendine Heck and wife, Eugene (Gray). Representing Mrs. Mary Louise (Heck) Pace, member of the N. C. D. R. Descendant of Johan Yost Heck, born in Berks County, Penn., 1754, served in Pennsylvania Rifles 1776, fought at Long Island, White Plains and Brandywine. Also descendant of Mrs. Kerenhappuch Turner, the heroine at Guilford Court-house, N. C.

HAYWOOD, JOHN BENBURY. Born December 12, 1895. Raleigh, N. C.

Son of Dr. Hubert Haywood and wife, Emily Ryan (Benbury) Haywood. Representing Mrs. Hubert Haywood, member of the N. C. D. R. Lineal descendant of Gen. Thomas Benbury, member of Provincial Congress, New Bern, Aug. 25, 1774 and 1776, Committee of Safety of Edenton District. Delegate to Congress at Halifax Nov. 12, 1776. Also descendant of Col. Wm. Haywood of Edgecombe, Brig.-Gen. William Skinner and Capt. Jacob Turner of 3d Regiment.

HIGGS, LUCY HAWKINS. Born October 3, 1896. Raleigh, N. C.

Daughter of Sherwood Higgs and wife, Lucy (Hawkins) Higgs. Representing Mrs. Sherwood Higgs, member of the N. C. D. R. Lineal descendant of Col. Philemon Hawkins, of Bute (afterwards divided into Warren and Franklin counties in 1799). Member of Provincial Congress at Halifax April 4, 1776; member of Constitutional Convention, Halifax County, N. C., November 12, 1776.

HILL, RANDOLPH. Born August 21, 1903. Raleigh, N. C.

Daughter of Daniel Harvey Hill and wife, Pauline (White) Hill. Representing Mrs. D. H. Hill (deceased). Lineal descendant of

William Hill (1740-1816), of Hills Iron Works, York District, S. C., Colonel of S. C. Militia. In battle of Hanging Rock, S. C., Aug. 6, 1780. Also descendant of Gen. Joseph Graham, of Lincoln County.

**JACKSON, SAMUEL SPENCER.** Born January 26, 1902.

Son of Herbert Worth Jackson and wife, Annie Hyman (Philips). Representing Mrs. Elvira E. Moffitt, a member of the N. C. D. R. Descendant of Judge Samuel Spencer, of Anson County, N. C. (born 1738, died 1794). Member of the Provincial Council of Safety 1775, Provincial Congress, New Bern, 1774. Also descendant of Col. Archibald Murphey (1742-1817), of Orange County, N. C., Major and afterward Lieutenant-Colonel of N. C. Militia.

**PARKER, ANNIE MOORE.** Born May 10, 1905.

Daughter of Bartholomew Moore Parker and wife, Elise (Stamps). Representing Mrs. Annie Moore Parker, member of N. C. D. R., descendant of Nathan Boddie, of Edgecombe County; member of Provincial Congress at Halifax April 4, 1776.

**PROCTOR, WILLIAM ISAAC.** Born March 12, 1895.

Son of Ivan Mariott Proctor and wife, Lucy (Biggs) Proctor. Representing Mrs. Ivan M. Proctor, member of N. C. D. R. Lineal descendant of Elisha Battle, of Edgecombe; member of Assembly 1771; Provincial Congress, Halifax, April 4, 1776, and delegate to Constitutional Convention at Halifax, N. C., November 12, 1776.

**RAY, HARDY MURFREE.** Born July 22, 1900.

Son of John E. Ray and wife, Finie Carter Ray. Representing Mrs. John E. Ray, member of N. C. D. R. Descendant of Lieut.-Col. Hardy Murfree, of Hertford County, N. C., who served in 2d Regiment N. C. Continental Troops. Prominent at Stony Point, N. Y., and founder of the town of Murfreesboro, Tenn.

**SMITH, WILLIAM NATHAN HARRELL.** Born February 10, 1898. Raleigh, N. C.

Son of Edward Chambers Smith and wife, Annie Badger (Faison) Smith. Representing Mrs. Ed. Chambers Smith, member of N. C. D. R. Lineal descendant of Col. Richard Cogdell, of Craven County, N. C.; member of Provincial Congress, New Bern, N. C., Aug. 25, 1774; member of Committee of Safety for New Bern District 1775.

**WITHERS, WILLIAM BANKS.** Born October 2, 1901.

Son of William Alphonso Withers and wife, Elizabeth Witherspoon Daniel. Representing Mrs. W. A. Withers (deceased), member of N. C. D. R. Descendant of Rev. John Witherspoon, "The Signer" from New Jersey.

## DR. DRANE'S PRAYER

AT THE DEDICATION OF THE EDENTON TEA PARTY TABLET.

Dr. Robert Brent Drane, of Edenton, pronounced the dedicatory prayer at the dedication and unveiling of the Edenton Tea Party Tablet in the State Capitol Saturday. His prayer was as follows:

O God, whose days are without end and whose mercies can not be numbered, we humbly and heartily thank Thee that, although Thou hast made our days as it were a span long and our age is even as nothing in respect to Thee, yet to us Thou hast given an inward honor of falling into naught and hast promised, through Thy Son, an endless life and a glorious immortality. Thou hast taught us that Thou requirest the past: it is because Thou dost promise a future. We confess that we are too often content to live in a sordid present; that Thy people of this commonwealth have done amiss in neglecting the history of this land to which our forefathers came as strangers and pilgrims with charters of civil and religious liberty, and with the high purpose of acknowledging Thee alone as Lord and Master.

We praise Thee, Lord God, that Thou hast not forsaken us; that Thou hast put it into the hearts of an ever increasing number of Thy people to learn and to publish to the world the noble deeds of the fathers. Inspire us more and more with a zeal according to knowledge in their behalf, and we pray Thee, before whose eyes all history is open, to reward all seekers after truth and give us grace to profit by their labors.

We invoke Thy special blessing upon Thy Daughters who, this day, are blazoning to North Carolina, and to the world the patriotism of those Edenton women who were brave in troublous times, and self-denying in the great cause of American Independence.

O, Thou, who didst publish in all the world, wheresoever the Gospel is preached, the good deed of that woman who anointed the Saviour's feet, grant that the memorial of those women whom we now commemorate by this tablet, may be more enduring than brass; that our people may accord to them the high praise, "They did what they could and did it well," and may we all be moved to go and do likewise, as Thy providence may direct.

That these memories of the past may enrich our present and make us do better service of our country and of our country's God; and that at last we may be gathered into the company of the great good, Thy martyrs and saints of all ages and all lands, we pray, through Jesus Christ our Lord. **Amen.**

## PENELOPE BARKER

ADDRESS BY MRS. PATRICK MATTHEW AT THE UNVEILING OF THE EDENTON  
TEA PARTY TABLET.

*Madame Regent of the North Carolina Society and Daughters of the  
Revolution, Ladies and Gentlemen:*

An exquisite compliment was tendered me with the invitation as Regent of Penelope Barker Chapter to participate in the ceremonies attending the unveiling of a memorial commemorative of one of the most important political and patriotic events connected with the Revolutionary period.

Through the untiring efforts of the ladies of the Raleigh Chapter, inspired by State pride and supported by their love of historical perpetuation, to-day the Old North State will receive a priceless gift, and the walls of our Capitol be decorated with an ever-enduring tablet of bronze, a silent teacher of the greatness of our women more than a century ago and to point to each succeeding generation that in extremity of need to "go thou and do likewise."

It is with great pride I tell you that among the members of the Penelope Barker Daughters, eight are descendants of the signers of old St. Paul's and with (I do not think there is an exception) all are connected with the signers of the Tea-party Constitution.

"My heart swells with gladness whenever I name them."

It is also my privilege to dwell upon a few instances in the life of one of America's greatest patriotic lights, a leader and teacher of loyal womanhood, wife, mother, and with these elements of Christian love and obedience she became a jewel among her sex, a womanly woman of strength and vigor,—blessed be the memory of Penelope Barker.

## PENELOPE BARKER.

June 17, 1728.

October 15, 1794.

When the Georges ruled all England,  
And England ruled the seas,  
She thought to weight her treasury  
With tax from the colonies.

No home rule did she give to them,  
In Parliament no seat,  
She never thought, perhaps,  
From England they'd retreat.

The time soon came, the men to war  
Marched forth to win the siege.  
We shall be free from king and crown!  
From haughty, lordly liege.

The women said, "God bless you!  
Where'er you fight and roam,  
We will bear our burdens,  
With our children here at home."

In the Province of Carolina,  
In Edenton the town,  
There lived Penelope Barker,  
A woman of renown.

Of Samuel and Elizabeth Paget  
She was one of daughters three,  
And to add to the family circle,  
Three brothers also had she.

In seventeen hundred and twenty-eight,  
The summer month of June,  
The seventeenth day, Penelope  
Raised her first infant tune.

Elizabeth, her sister, was  
Oldest of the three  
Daughters of said parents,  
Of the Paget family tree.

Penelope married Craven  
In her youthful age;  
He died leaving her no issue  
To inscribe on the record page.

Elizabeth Paget married  
Mr. Hodgson, the same  
Whom Penelope afterwards  
Took his suit and name.

Two children blessed this union,  
She was not a mother before;  
Thomas died in Halifax,  
November 20th, 1774.

Together these two children  
Under the chancel of St. Paul's  
Lie waiting to join their mother  
When the Heavenly Father calls.



Mr. Hodgson she survived.  
Left a widow, and alone,  
She married Thomas Barker,  
And graced his stately home.

Thomas Barker was a lawyer  
Of repute and ability,  
And a grand woman did he wed  
When he married Penelope.

Nathaniel, Thomas, Penelope,  
Were the infants born to them;  
But soon the Shepherd took them  
To His own holy realm.

Her home was on Broad street,  
To the southeast corner of Queen,  
Extending through to Court,  
Thence south'ard to the Green.

How far south I can not say,  
Yet this I know quite well—  
On the spot where's now the Woodard House  
Is where she once did dwell.

Her house was built of brick and wood,  
And bears this early date,  
On record in the structure,  
Seventeen hundred forty-eight.

Long years of stern oppression  
By kings across the sea  
Wore out the strength of sire and son,  
They would fight and thus be free.

Mrs. Barker called a meeting  
To abandon drinking tea;  
The picture of the party  
Is here for all to see.

In the house of Elizabeth King  
This political body met,  
Of ladies numbering fifty-one,  
An independent set.

They drew a constitution  
Worthy of a judge;  
They'd drink no tea, they'd give it up!  
Without a pang or grudge.

October 25th, 1774,  
Was the night without a murmur.  
They did their names inscribe,  
As has been said before.

They told the men of valor  
That they were women true;  
They'd see the Revolution  
To victory fought through.

Mrs. Barker was the leader  
Of the Revolution band  
Of women, which antedated  
Old Boston's noble stand.

The men to arms! The guns were fired!  
The British entered Edenton;  
They found no quarter and no men,  
Only women's frowns.

They sought for booty far and wide  
For cattle and for steed,  
Anything to satisfy  
England's tyrant's greed.

They boldly took her horses  
And to her coach did hitch,  
But Penelope espied them  
And, as mad as any witch,

She snatched a keen-edged blade  
And to the stables ran,  
And with a slash she cut  
The traces like a man.

Her coach was white,  
Emblazoned with arms,  
In which the fair Penelope  
Had graced with many charms.

The soldiers were but human,  
 They could not her resist;  
 So, we conclude, her horses  
 Her acceptance they did insist.

But like the fragrant flowers,  
 All things sweet must fade;  
 She died leaving a record  
 Of glory she had made.

The fifteenth of October,  
 Seventeen hundred ninety-four,  
 She passed away to her reward  
 For the noble life she bore.

\* \* \* \* \*

For authority of these records,  
 Beyond doubt they are true,

\* \* \* \* \*

Two Daughters of the Revolution  
 Searched the Paget Bible through.  
 "Old Time shall end our story,  
 But no time, if we end well,  
 Will end our glory."

\* \* \* \* \*

By courtesy of Miss Margaret Bond,  
 Descendant of the same  
 Paget family from whom Penelope,  
 Though times changed her name.

Edenton, N. C., October 25, 1907.

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## PRESENTATION OF TABLET.

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ADDRESS BY MRS. E. E. MOFFITT, REGENT OF NORTH CAROLINA SOCIETY  
 DAUGHTERS OF THE REVOLUTION.

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### *Friends and Citizens:*

We have met together to-day to commemorate an event that took place one hundred and thirty-four years ago, October 25, 1774. It was the time when the Colonies were suffering from oppressive taxation and bound by such stringent laws that endurance ceased to be a virtue, that the people arose in their might and power determined to throw off the

British yoke. Even the women of the time exercised such influence as they possessed to give weight to the cause. Many instances of their daring and heroism have been recorded or handed down by tradition. Of one especial incident we have undoubted authority, which took place in *Edenton*, North Carolina, when fifty-one of those high-metaleed dames of that historic town met together on October 25, 1774, to endorse the resolutions that had been passed by the Provincial Congress the previous August, (Colonial Records, Vol. IX, p. 1041,) declaring against the unjust taxation forced upon them by England.

This Congress which met at New Bern, N. C., was the first assemblage independent of royal authority. "It was not a conflict of arms or force, but it was the first act of that great drama in which battles and blood formed only subordinate parts" (Wheeler). These fifty-one heroic women of the Province met to testify their "sincere adherence to such resolves as appeared to affect the peace and happiness of their country for the public good and subscribing to a paper as 'a witness of their fixed intention and determination to buy no more tea or wear any more British cloth' until the tax was removed from these necessities." This daring and heroic stand, so interesting and even so fascinating, the wonder is that it has not held a place on the page of every Revolutionary history. But has not this been the case in America that the lives of the generality of women are not deemed important enough to trace even in the histories of their distinguished sons? But it is not yet too late to blazon the patriotism of these ladies beside that of the heroes of the Revolution, and with this end in view the North Carolina Society, Daughters of the Revolution, have bent their efforts for several years past to raise sufficient funds wherewith to erect a memorial tablet in their honor. This bronze tablet which will be unveiled to-day, and presented to the State of North Carolina, recites the legend of the Edenton Tea Party. The inscription as it stands on the imperishable bronze reads thus:

ERECTED BY THE NORTH CAROLINA SOCIETY OF THE  
DAUGHTERS OF THE REVOLUTION  
TO  
THE FIFTY-ONE LADIES OF EDENTON,  
WHO, BY THEIR PATRIOTISM, ZEAL AND EARLY  
PROTEST AGAINST BRITISH AUTHORITY  
ASSISTED OUR FOREFATHERS IN THE MAKING OF THIS  
REPUBLIC AND OUR COMMONWEALTH

The authorities proving the incident to be true beyond doubt have been verified by a London paper, the *Morning Chronicle and London Advertiser* of January 16th, 1775, in the British Museum, and the American Archives, 4th series, Vol. 1, 891.

It may be admissible to digress from my subject for a few moments to give a short account of the beginnings of the patriotic organizations which led to the establishment of the North Carolina Society. It will be recalled by many who are here to-day that the idea of forming patriotic societies was conceived during the great Centennial of American Independence at Philadelphia in 1876 and held in a city so full of historic memories of the struggle for liberty. The eyes of the nation were opened to the great strides made in a century and the possibilities for greater progress. The need of organizations for the preservation of relics was most apparent, and from the inception of this idea has grown The Sons of the American Revolution, Sons of the Revolution, Daughters of the American Revolution, and Daughters of the Revolution, which to-day are carrying out the aims of their respective constitutions. The general Society was founded October 11, 1890, and organized August 20, 1891, under the name "Daughters of the American Revolution," and was incorporated under the laws of the State of New York as an organization national in its work and purpose. Some of the members becoming dissatisfied with a mistake made regarding the terms of entrance, withdrew from it, and in 1891 formed under the slightly differing name "Daughters of the Revolution," eligibility to which from the moment of its existence has been lineal descent from an ancestor who rendered patriotic service during the War of Independence. Though the mistake made was adjusted in 1905, these organizations have not yet united, but continue their patriotic work with the utmost unanimity of feeling, still pursuing and still achieving the objects that lie nearest and that call for their help and influence. The headquarters of the General Society, Daughters of the Revolution, is in New York, and has branches in many States.

The objects of the Society, as stated in the Constitution, are "to perpetuate the patriotic spirit of the men and women who achieved American Independence; to commemorate prominent events connected with the War of the Revolution; to collect, publish and preserve the rolls, records and historic documents relating to that period; to encourage the study of the country's history and to promote sentiments of friendship and common interest among the members of the Society."

The North Carolina Branch was organized in Raleigh, October 19, 1896, the anniversary of the surrender of Cornwallis; and a constitution and by-laws adopted on April 6, 1897, its declaration upon honor being that "if admitted to membership in this Society, I will endeavor to promote the purpose of its institution and observe the constitution and by-laws."

Mrs. Spier Whitaker, a lineal descendant of William Hooper, a signer of the National Declaration of Independence, was most fittingly chosen



as Regent, and she with her co-workers steadily labored with unabating interest to promote the objects stated in the constitution, especially to commemorate the revolutionary events connected with North Carolina. The first four or five years were given over to the study and reading of State history; by sketches by the members of the ancestors in right of whose services they derived their eligibility; memorializing Congress in behalf of the Nash and Davidson monuments; also for the government ownership of Fort Ticonderoga; petitioning the State Legislature to erect a fire-proof building as a Hall of History in which to deposit and preserve the State Library and other priceless records now continually in danger of destruction by fire; the offering yearly a medal for the best article on North Carolina history by a student of the public schools. These and other matters germane to the Society claimed its attention, trusting to a prosperous future to bring to pass these ideals.

At the December meeting in 1900 an article from the pen of Dr. Richard Dillard was read concerning the "Edenton Tea Party of October 25, 1774," and our Regent, Mrs. Whitaker, suggested as an object peculiarly appropriate to an association of women that this Society erect some worthy memorial to these "too much ignored ladies of the historic Tea Party." Surely what event in our history was more worthy of commemoration than this heroic act of women which took place seven months before that of Mecklenburg; nearly twenty months before that of St. Paul's Vestry in Edenton, and nearly two years before the immortal National Declaration?

This suggestion, supported by such vital facts, met with enthusiastic approval by the Society. The ways and means for creating a fund for this purpose were discussed and a conclusion arrived at to publish "important events in our State history," and publish these monographs under the name and title of the "North Carolina Booklet" at \$1.00 the year. The idea of publishing these monographs, which originated with Miss Martha Haywood, met with unanimous approval, and she, with Mrs. Hubert Haywood, (so nearly related to the early settlers of Edenton and conversant with its history,) consented to undertake the management of the BOOKLET, the Regent and members of the Society standing as sponsors for them in this patriotic movement. The Society furnished the necessary equipment of stationery and postage and other expenses necessary, and each member lent a willing hand in securing subscriptions. The editors met with most flattering encouragement from the best historians in the State, who generously responded to their request in furnishing sketches on important events which took place in North Carolina before and during the Revolutionary War. To-day the BOOKLET has a fine collection of as many as eighty-five sketches printed on its pages, treating of many different phases of our State's history.

After two years of arduous labor these editors retired from the management, but not until they had placed the BOOKLET on a good basis. They turned into the treasury \$217.00, the profits of two years work, giving their services entirely without remuneration, and placed this in bank as a nucleus for the memorial fund. Their resignation was regretfully granted by the whole Society, who felt a deep sense of gratitude for the work they had carried on so successfully. The Society then elected Mrs. E. E. Moffitt and Miss Mary Hilliard Hinton as editors, who have continued the work under the same conditions and have labored assiduously to keep it up to the standard achieved by the former editors, and to-day it is yet spreading its history and biography in this and other States. Though the subscription list is not as satisfactory as one could wish, yet it justifies its continuance, and while our contributors continue in the generous mood that has characterized them through the seven and a half years of its existence, we will be encouraged to still achieve and still pursue.

To-day we have the proud privilege of presenting to the State of North Carolina the profits of the first four years realized from the publication of the NORTH CAROLINA BOOKLET, at a cost of four hundred and fifty dollars; in the form of a bronze tablet of exquisite workmanship, which will ornament the rotunda of our beautiful Capitol building.

'Tis to the writers of articles on State history we owe the greatest debt of gratitude, for it is through them that the BOOKLET has commanded the attention it has received. These writers have culled from ponderous volumes, rare documents and other authentic sources, and put in convenient and readable form much history not easily available to the general public. All of which was done to aid the Society in its endeavor to inspire greater State pride.

To our advertisers we also owe a debt of gratitude, for through their combined help the rough places have been made smoother. Our past Regents, Mrs. Whitaker, Mrs. D. H. Hill, deceased, of blessed memory, and Mrs. Thomas K. Bruner, whose names are inscribed in the publication, have been important factors in the success of the BOOKLET and other important undertakings of the Society.

Voicing the sentiments of our organization, the administration of these ladies was entirely and happily satisfactory, besides the honor reflected on it by its founder, Mrs. Whitaker, who so largely inherited the patriotism, daring and zeal of her lineal ancestor, Hon. Wm. Hooper, "the signer," and to her successor, Mrs. Daniel Harvey Hill, a lineal descendant of Gen. Joseph Graham, the famous Revolutionary soldier of brave old Mecklenburg. Mrs. Hill's demise was a sad stroke to our organization and mourned by us all; truly can it be said of her that "homeward serenely she walked with God," leaving a benediction sensibly felt by us all to this day. This vacancy was then filled by

Mrs. T. K. Bruner by the unanimous vote of the members; earnest and faithful to her duty, this with her eloquence won our esteem and applause. Mrs. Bruner inherited naturally great patriotism from her lineal ancestor, Col. James Martin, distinguished at Guilford Courthouse. Mrs. Bruner resigned in 1906 on account of feeble health, to the sincere regret of her co-workers, both here and by the General Society, who had learned to appreciate her talents.

The field for historic research is broad and widening each day, and the great search for the truth in history is now world-wide. It will be the endeavor of the editors of the BOOKLET to receive for its columns only such articles that can be substantiated by a wise advisory board.

To-day the unveiled tablet will bear silent testimony to the combined effort of writers, advertisers, subscribers, and a concert, given by the boys of the Blind Institution, who so cheerfully aided with their talents (under the supervision of Mrs. John E. Ray, a zealous member of our Society,) in raising funds for its erection. There is still in the treasury a substantial surplus to be devoted to such other patriotic purpose as may best commend itself and that may bear witness to North Carolina's part in the great strife for independence, and to memorialize the deeds of men and women whose lives should be held up as fit subjects for emulation by coming generations. Momentous problems await this nation. The strides of science and the passing of the dark ages of strife demand the thought of strong men, of strong minds, and true hearts.

And while endeavoring to rescue from the past great events, the questions of the present must not be ignored.

Shall we not lend our energies and influence to the Great Peace and Arbitrament Movement that is endeavoring to induce the nations to war no more? Looking forward to that glad day when "He shall beat their swords into plowshares and their spears into pruning hooks, nation shall not lift sword against nation, neither shall they learn war any more."

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## ADDRESS OF ACCEPTANCE

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BY LIEUTENANT-GOVERNOR FRANCIS D. WINSTON AT THE UNVEILING OF  
THE EDENTON TEA-PARTY TABLET.

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In the absence of the Governor, in the name of the people of North Carolina, I accept your tablet.

In assuming the duties of his position, one of the able presidents of the North Carolina Literary and Historical Association, delivered an interesting and stirring address on the subject, "A Plea for a Larger State Pride."

You have opened the way for stimulating a larger State pride in placing here a permanent memorial of one of our most pointed Revolutionary events.

The Daughters of the Revolution are most happy in the striking incident they have selected, to mark their first contribution to the tablets that will adorn these walls.

Heretofore, on the very spot in that historic old town, where your Revolutionary sisters passed those bold resolves, so momentous in the cause of liberty, patriotic citizens have set up a bronze "tea kettle," properly inscribed.

In a corner of a brick store not a hundred yards distant a marble tablet records the fact that Joseph Hewes, a signer of the Declaration of Independence, was for many years a merchant there. In any direction one may look in Edenton the eye will fall upon some spot memorable in Colonial times.

The county of Bertie, unusually rich in historic tradition and Revolutionary and Colonial facts, takes marked interest in the occasion. The illustrious lady who presided over the Edenton Tea Party was not native and to the manner born in the old precinct, yet she did the next best thing a woman can do who is not born there, and that is to marry a son of the county. Penelope Eelsback first married John Hodgson, a leading attorney of Bertie County. Upon his death she married James Craven, a descendant of the Earl of Craven, one of the Lords Proprietors, who at the May term, 1744, of Bertie Court of Pleas and Quarter Sessions produced "to this court a license from His Excellency, the Governor, licensing and empowering him to practice as an attorney and plead the law in any court of judicature in the Province." His death occurring, this patriotic lady again looked to Bertie County for a helpmeet and defender, and married Thomas Barker, of near old St. John's, Bertie Precinct, a distinguished lawyer, a student of the Middle Temple, London, and one of the four Commissioners appointed by the General Assembly at New Bern in 1746 "to revise and print the several Acts of Assembly in force in this Province." With this matrimonial training it is not surprising that Penelope Barker should lead her sisters in drafting those resolutions so directly antagonistic to royal authority. Theirs was not the frantic heroism of the Crusader, nor the blind zeal of the Maid of Orleans responding to the whisper of her voices; but they were calmly adding to the mighty volume of protest that ended in free America. Their deed must not pass away. Their names must not wither.

This tablet at this central point will give larger evidence of their patriotism and daring.

I do not need to recite the important and daring part taken by our women in the Revolutionary drama.



I can only urge you and those whose purposes and plans are alike patriotic to put forth greater efforts to mark these pivotal points in our State life.

Of late we have erected many monuments in different sections of our State in memory of our mighty dead and of a dear and imperishable cause. But our good State has so many historic places, that a thousand monuments and tablets scarce would mark them all.

I repeat again that the work of properly perpetuating these glories devolves on your honorable Society and others of like character; and under your sympathetic and wise guiding the people of North Carolina and the world will come not only to know who we are, but will come to know why we are who we are.

In May last it was my privilege to attend in pilgrimage with the Diocese of East Carolina, a memorial celebration of the First Christian Baptism on our shores.

The meeting was held on Roanoke Island at old Fort Raleigh, where the landing of the English in 1585 occurred.

The patriotic Society—the Roanoke Colony Association—which owns this historic site, has erected a suitable memorial and has set up markers around the boundaries of the fort.

There, too, it is the purpose of the Bishop and clergy of that Diocese to erect a cross to commemorate the first baptism had there.

Permit me to assign you a duty in connection with the first landing on our shores. Our people have not impressed the nation with the importance of this first landing of the Anglo-Saxon in America. The celebration of the three hundredth anniversary of the landing at Jamestown was fittingly and successfully had last year; the event then celebrated was no more significant than these landings on Roanoke Island.

Raleigh's colony was the first planting of the English race in America. It came for that purpose. The dream of Sir Humphrey Gilbert, step-brother of Sir Walter Raleigh, was a commercial and an agricultural state. Others had come before, but not to plant a race.

The Norsemen had come across frozen seas with the daring and endurance of demigods. They sought only adventure and conquest. The Spaniard had come, but only for love of gold. Cortez had conquered Mexico and Pizarro Peru.

The Spanish flag waved and the Spanish cross glistened on the peaks of the Andes and the shores of the Pacific, but nowhere in the New World, until Raleigh sent his colony to Roanoke Island, was heard the cry of an infant child of pure Caucasian blood, proclaiming the birth of the white race on the Western Hemisphere.

The Norsemen and the Spaniards came with sword and cannon, with cross and crucifix, to conquer and plunder. Soldiers and sailors, priests and friars, adventurers and plunderers, pirates of the sea and robbers



of the land, forsaking wives, children and home, they sought in the New World new fields for lust, avarice and conquest. They left their women behind and took to wife the savage women of America. Behold the result to-day in the hybrid races of Mexico, and of Central and South America! Spanish fathers! Indian mothers! Hybrid children! Homes of lust and tyranny! Immeasurable inequalities between father, mother and children!

Raleigh knew better; scholar, soldier, orator, statesman and philosopher, he knew that the English race, with its splendid civilization, could be transplanted to America by transplanting the English home. He knew that civilization everywhere is built upon the home and that every home is what the mother makes it.

He filled his ships with women as well as men; he sent out colonies, not pirates; he planted in America, not English forts, but the English race. The governor of the colony set the example of taking his wife and family, among them a grown daughter, Eleanor, a young wife and expectant mother. Here was life in all its gentleness and fullness. What need for guns and cannon here! When the infant cry of Virginia Dare was heard on Roanoke Island, it sounded around the world, and called across the seas all the millions who since have come to build the American nation. It was a new cry in a new world; a mightier sound than the clash of sword, or the roar of cannon; a sweeter call than the vesper bell of hooded priest with his vows of celibacy.

That baby cry sounded the death-knell of Spanish power in the universe and the final overthrow everywhere of kingcraft, priestcraft, and lustcraft. It told anew the old story of life; how every life, not only of the individual human being, but also of races, nations and civilizations, must begin with and be dependent on a little child; a little child born in lawful wedlock, a pledge of holy love between man and woman, equally matched and equally sharing the joys and responsibilities of life.

This was the lesson of Raleigh's colonies; the lesson that the Spaniard never learned in all his heroic efforts to conquer and possess the New World. In Spanish conquest and colonization no part was played by women and children. It was a jungle struggle for the mastery between human animals.

In English conquest and colonization, women and children went hand in hand with men. Wherever the English race has gone, to Roanoke Island, to Lucknow, to Gettysburg, a little child has led them; led them in affection, in memory, in inspiration to deeds of daring and fortitude. Among all the little children of our race, none stands out more pathetic, more dramatic, more significant of mighty events than the child of Raleigh's colony, the first Anglo-Saxon born in America, little Virginia Dare, native of North Carolina.

I urge your Society to arrange for placing here a suitable tablet to commemorate her birth.

And I will go further and impose on you a greater duty in a wider field. The outside world knows but little of this landing on North Carolina shores. The vast importance of it can not be over-estimated. It was a scene worthy of the poet's pen, and the artist's brush.

At your next meeting I urge that you begin a movement for giving the birth of Virginia Dare its proper world-wide significance. I shall not go into particulars. In this movement you should enlist your sister societies of the nation. As the event was of national importance, so should its commemoration receive national encouragement and support.

A picture of her christening should hang in our nation's capitol, with mother and babe and minister of God as the central figures, and around them grouped the little colony, standing on the shore of the island; to the east the deep blue ocean stretching far away, on its ever restless bosom an endless procession of ships bringing races and nations from the old world to new life, liberty, freedom; to the west endless multitudes of Anglo-Saxons peopling the continent and making indeed a new world; and underneath this inscription,

"And a little child shall lead them."

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## CHIEF JUSTICE CLARK'S ADDRESS

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AT THE UNVEILING OF THE TABLET TO THE LADIES OF THE EDENTON  
TEA PARTY IN THE STATE CAPITOL.

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*Mrs. Regent and N. C. Daughters of the Revolution, Ladies and Gentlemen:*

After the two admirable speeches we have had from the ladies, it is perilous for a mere man to attempt to follow.

Beautifully located upon Edenton Bay, where the noble Chowan River and the Albemarle come together, the historic city of Edenton is no less famous for the patriotism, intelligence and culture of her people. And it has always been so. When the great struggle for the right of a free people to govern themselves, in their own way, was beginning, liberty had no more ardent supporters upon the continent than in Edenton. The British newspapers of that day universally declared that Great Britain could manage the men but for the independent spirit of the rebel women. And among the high-spirited independent ladies of America, none are entitled to precedence over the fifty-one ladies of Edenton who, on the 25th of October, 1774, enacted the patriotic scene which we have met to commemorate.

Among the men of Edenton were Joseph Hewes, the signer of the Declaration of Independence, and Governor Samuel Johnston, one of the first Governors of the State under the Republic, and many another whose name deserves preservation at the hands of posterity, but none more deserve it than these fifty-one ladies to whose memory we this day unveil this tablet.

Lord Byron said that fame depended less upon what a man does than upon his historian's style. There is this much truth in the sarcasm, that it is not sufficient to do great deeds, but they must be sufficiently and properly recorded. There was of a surety "many brave men before Agamemnon," but we know not who they were, nor what they did. The pen of Homer makes Agamemnon, king of men, the wise Nestor, the crafty Ulysses, the swift-footed Achilles, rash Hector, railing Thersites, venerable Priam, and many another essentially better known to us than most of the men whom we meet on our streets. The characters of his women, too, stand out as clear and individual as those drawn by Shakespeare. Who does not recall Andromache, her tender parting from Hector, and Cassandra, and that fair face,

"Which launched a thousand ships  
And sacked the topmost towers of Troy."

But for the blind old bard, these would, as it were, have never lived for us. They would have gone down to dusty death unhonored and unknown.

North Carolina has known how to make history grandly. She has been careless to record it. Years before the Boston people, disguising themselves as Indians, threw the tea into the harbor, the people of Wilmington, in broad daylight, defied a British war vessel, refused to let the stamps be landed, and made the stamp officer take an oath not to exercise his office. Every history has pictures and an entertaining account of the Boston transaction, but what is ever said in a Northern history about our Wilmington patriots?

North Carolina at Halifax, April 12, 1776, was the first State to instruct its delegates in the Continental Congress to vote for independence. Only after the lapse of ninety-four years, in 1868, our Legislature bethought itself to put the date on our State flag. And to this day most of the histories give Virginia that credit, though she did not move instructions for independence till May 5, 1776, nearly a month later than this State.

The first victory in the Revolution won by the patriots was won at Moore's Creek, N. C., February 27, 1776, and solely by North Carolina troops. But so little care did we take of the fame of our gallant soldiers, that in recent years when a North Carolina Senator in Congress referred to Moore's Creek, Senator Lodge, of Massachusetts, an

exceedingly well-informed man, and himself an historian, denied the fact and said that he had never heard of such a battle. Yet it was an important victory and had a decided effect upon the result of the great struggle.

And there was the immortal Declaration of Independence at Charlotte, more than a year before that at Philadelphia. We allowed more than fifty years to pass before we moved to vindicate our claims. Fortunately, many of the participants and witnesses were still alive and could substantiate the facts. Though the General Assembly put that on our flag in 1861, not till 1889, after one hundred and fourteen years had passed, did the State think to fix it in the minds of all by engraving the date upon our Great Seal. In these matters North Carolina has moved slowly indeed.

One would have thought, however, that the gallantry of the men of the State would have made them more mindful to put on record the patriotic event which we have met to commemorate. On 25th October, 1774, one hundred and thirty-four years ago to-morrow, fifty-one patriotic ladies of Edenton met and adopted resolutions to abstain from using not only tea on which the stamp tax was laid, but any British goods until the unjust and odious tax was repealed. It was a bold act, a brave act. It was treason, for it defied a law of Parliament. It was even more dangerous, for it assailed the profits of the British manufacturers for whose profits the Colonies were governed. It was an early use of the power of boycott, though that word was then unknown.

But a grateful State and people made no record of the event, though it attracted prompt attention in London. We owe to the files of the London newspapers the recovery of the resolutions and the names of the fair signers. In one only of these, the *Morning Chronicle and London Advertiser*, of 16 January, 1775, are the names of the fair and patriotic signers set out, though the incident itself is given and commented on in several of the London papers of that date. The names published are: Abigail Charlton, Mary Blount, F. Johnstone, Elizabeth Creacy, Margaret Cathcart, Elizabeth Patterson, Anne Johnstone, Jane Wellwood, Margaret Pearson, Mary Woolard, Penelope Dawson, Sarah Beasley, Jean Blair, Susannah Vail, Grace Clayton, Elizabeth Vail, Frances Hall, Anne Anderson, Mary Jones, Sarah Matthews, Anne Hall, Anne Haughton, Rebecca Bondfield, Elizabeth Beasley, Sarah Littlejohn, Mary Creacy, Penelope Barker, Ruth Benbury, Elizabeth P. Ormond, Sarah Howcott, M. Payne, Sarah Hoskins, Elizabeth Johnston, Mary Littledale, Mary Bonner, Sarah Valentine, Lydia Bonner, Elizabeth Crickett, Sarah Howe, Elizabeth Green, Lydia Bennett, Mary Ramsey, Marion Wells, Teresia Cunningham, Anne Horniblow, Elizabeth Roberts, Mary Hunter.

The number of signers is given in the paper as fifty-one, but the



above list has only forty-seven names; four of the fifty-one given were duplicated to make the number. Dr. Richard Dillard in his article on the Edenton Tea Party in that most valuable publication, the NORTH CAROLINA BOOKLET, for August, 1901, supplies from tradition three of the omitted names, Elizabeth King, Isabella Johnston, Winifred Wiggins Hoskins.

Isabella Johnston was the sister of Governor Samuel Johnston, and was affianced to Joseph Hewes, a signer of the American Declaration of Independence. She died before marriage and he followed her broken-hearted to the grave. These fifty-one ladies constituted probably very nearly the entire female society of Edenton of that day, and their descendants are to be found scattered now throughout North Carolina and in many other States.

The house in which this historic event occurred passed through the Civil War, and was still standing as late as 1875 and was pointed out to visitors. It is a great misfortune that some patriotic society or the town itself did not think to buy the building and preserve it.

Some sixty-six years later, two-thirds of a century after the event, about 1830, W. T. Muse, a North Carolina officer in the United States Navy, found, by chance, a copy of the engraving of the memorable scene, in the Island of Minorea, while cruising in the Mediterranean. An oil painting made therefrom is in our State Library.

Proud as we are of the event itself, and proud as we are of this commemoration of it, there is this humiliation that the men of the State were not gallant enough to erect this memorial more than a century ago. The ladies, seeing that the memorial was more than a century overdue, were well justified in taking this step themselves. We owe the inception of this movement, of which this day is the successful culmination, to those two patriotic and public spirited ladies, Mrs. Dr. Hubert Haywood and Miss Martha Helen Haywood, the first editors of the BOOKLET. They have reflected added honors upon the distinguished families to which they belong. When they laid the burden down by resignation, it was taken up by the present distinguished Regent of the Society, Mrs. E. E. Moffitt, and her patriotic associate, Miss Mary Hilliard Hinton, and others, and carried on to the successful completion of the work.

To the ladies of this Society, all of historic lineage and worthy of their lineage, North Carolina owes the placing of this bronze tablet in the rotunda of our capitol in perpetual memorial of this brave and fearless act of the noble women of Edenton in 1774.

In the rotunda are four niches for busts and eight spaces for bronze plaques. This plaque to the ladies of Edenton is not inappropriately the first to be placed. The State Historical Commission will next year place, with appropriate ceremonies, a marble bust of William A. Graham



in one of the niches. In the course of time, as I understand it, the commission will place in the other three niches busts of distinguished sons of the State. But seven spaces for bronze plaques remain unfilled. Is it not an appropriate time and place to suggest that the Cape Fear section, always patriotic, might well bestir itself to fill two spaces with bronze plaques, respectively to commemorate the destruction of the stamps at Wilmington in 1765, and the victory at Moore's Creek in 1776? Charlotte and Mecklenburg should certainly place a bronze tablet in memory of her immortal declaration. And Halifax might well follow with a tablet to the memory of the resolutions of 12 April, 1776. This would leave three spaces for other events deserving commemoration—one might commemorate the landing at Roanoke Island.

The Daughters of the Revolution have led the way with this tablet. As long as this Capitol shall stand on its foundations, as long as this tablet of bronze shall abide, there will be honor to the women of Edenton in 1774 who did this deed and to the women of North Carolina in 1908 who knew how to fitly commemorate it.

The patriotism that appreciates and records brave deeds falls short only of the patriotism that performs them and needs only opportunity to imitate and equal them.

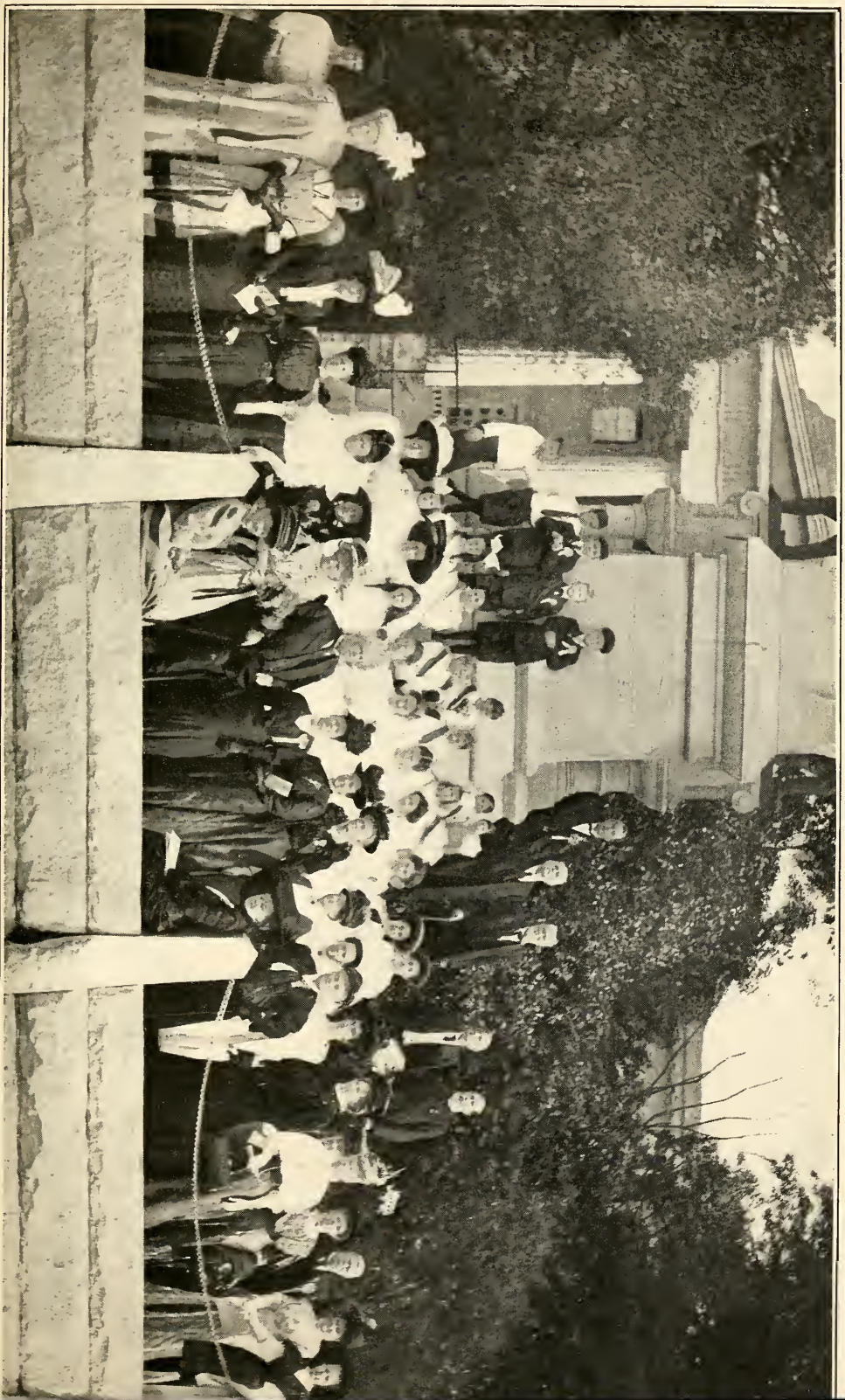
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### THE ANNIVERSARY TEA.

BY MARY HILLIARD HINTON.

The afternoon of October 24th from four to six the halls and music room of the Yarborough were graciously tendered the Daughters of the Revolution by Mr. Howell Cobb for a tea. To this celebration of the one hundred and thirty-fourth anniversary of the Edenton Tea Party informal invitations were extended to about one hundred persons, which included the members of the following patriotic organizations: The Colonial Dames, Society of the Cincinnati, Sons of the Revolution, the officers of the Woman's Club and the Daughters of the Confederacy; also the historians who had so generously given their time and labor in our cause.

The music room was tastefully dressed with cut flowers, there being a predominance of yellow blossoms. On the large table at one end of the room the center-piece was of superb yellow chrysanthemums, around which were grouped



SOME WHO WERE PRESENT AT THE UNVEILING, OCTOBER 24, 1908.



silver candelabra and cut glass dishes filled with bonbons, etc. At the head was a handsome silver service, where Mrs. Helen DeBerniere Wills poured the tea. Around the room were placed treasures bearing on this event from the Hall of History that Colonel Olds had loaned for the occasion, chief among them being the very quaint little *replica* of the Edenton Tea Party House. It was in the original house, the home of Mrs. Elizabeth King, which faced the village green that the famous gathering was held on that autumn day in 1774. This unique design was a gift from Dr. Dillard, of Edenton, to the North Carolina Historical Exhibit at Jamestown Exposition, where it was exhibited and later was presented by him to the Hall of History at Raleigh. Pictures of the Cupola House, "Hayes," St. Paul's Churchyard, the Court-house and the Burying Ground at "Hayes" were among the relics.

A most attractive feature of the tea was the secretary. Miss Betsey John Haywood\* officiated in that capacity, representing Mrs. Winifred Hoskins, secretary of the tea party. In the spacious hall she sat at a table and invited the guests as they filed into the music room to register. The book and a pen used will be preserved among the annals of the Society. She was becomingly attired in a Colonial gown of peach-blow silk, embroidered satin, heelless slippers to match, and a collar of rare old lace. Her coiffeur was arranged in puffs, powdered (the style being copied from a very old miniature of her ancestress) through which was stuck an exquisitely carved tortoise shell comb owned by Winifred Hoskins.

The guests were received in the hall by Miss Mary Hilliard Hinton, who presented them to the secretary. After registering Mrs. Cross introduced them to the receiving line which was composed of Mrs. E. E. Moffitt, Regent of the North

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\* Miss Betsy John Haywood's picture appears in this number of the BOOKLET.



Carolina Society Daughters of the Revolution and Second Vice-president General; Mrs. Patrick Matthew and Mrs. William D. Pruden, of Edenton, Regent and Vice-regent of the Penelope Chapter D. R.; Mrs. J. E. Erwin, of Morganton; Mrs. Julian Wood, of Edenton; Mrs. Lindsay Patterson, of Winston-Salem, Vice President-General Daughters of the American Revolution; Mrs. W. O. Shannon, of Henderson, Regent Whitnell Blount Chapter D. A. R.; Mrs. J. Allison Hodges, of Richmond, and Mrs. A. B. Andrews, Chairman of Raleigh Circle of Colonial Dames. The Daughters of the Revolution who assisted in receiving were: Mesdames W. H. Pace, Mary B. Sherwood, Hubert Haywood, John Ray, Adelaide Bagley, Ivan Proctor, H. F. Adickes, Miss Grace Bates.

Some of the pages who officiated at the unveiling exercises in the morning aided in serving the light, dainty refreshments. Those present were: Misses Eugenia Clark, Evelyn Jackson and Jean Thackston, who are members of the Junior Daughters of the Revolution; Misses Mary and Bessie Hollister, Browning Adickes, Gene Gray Heck, Julia Pickell, Pearl Heck, Lucy Haywood, Ruth Ray and others.

The moments sped rapidly by in pleasant conversation and drinking the cup of tea so heroically renounced by the daring fifty-one signers.

Before the hour of departure arrived our Regent called on some of the eloquent guests for a few words of greeting. Dr. D. H. Hill spoke delightfully of the dames of the long ago and the dames of to-day. Colonel Benchan Cameron, Mrs. Patrick Matthew, Mrs. Lindsay Patterson, Mr. Clarence H. Poe, Mr. F. M. Harper, Colonel Fred A. Olds each were called upon for brief remarks. To the toast to Dr. Dillard, whose efforts revived this fading historic event—the Edenton Tea Party—and whose absence was so keenly felt, Dr. Drane, beloved rector of the Colonial church of St.





ELIZA EAGLES ("BETSY JOHN") HAYWOOD, PERSONATING THE SECRETARY  
OF THE EDENTON TEA PARTY OF 1774.



Paul's, Edenton, and chaplain of the North Carolina Society of the Sons of the Revolution, responded most charmingly.

The dear little maids who received the cards at the door of the reception room won all hearts—Catherine Haywood Baker and Elizabeth Cross.

Adieux came all too quickly, and it is hoped other similar purposes may gather together from various parts of our State the men and women who are giving their valuable time for the preservation of her noble history.

The Daughters are deeply grateful to Mrs. Pace for bringing this entertainment to such a successful finish by her untiring efforts.

## CAROLINA.

BY BETTIE FRESHWATER POOL,  
Author of "The Eyrie and Other Southern Stories."

I love thee, Carolina!  
Broad thy rivers, bright and clear;  
Majestic are thy mountains;  
Dense thy forests, dark and drear.  
Grows the pine tree, tall and stately;  
Weeps the willow, drooping low;  
Blooms the eglantine and jasmine;  
Nods the daisy, white as snow.

### CHORUS:

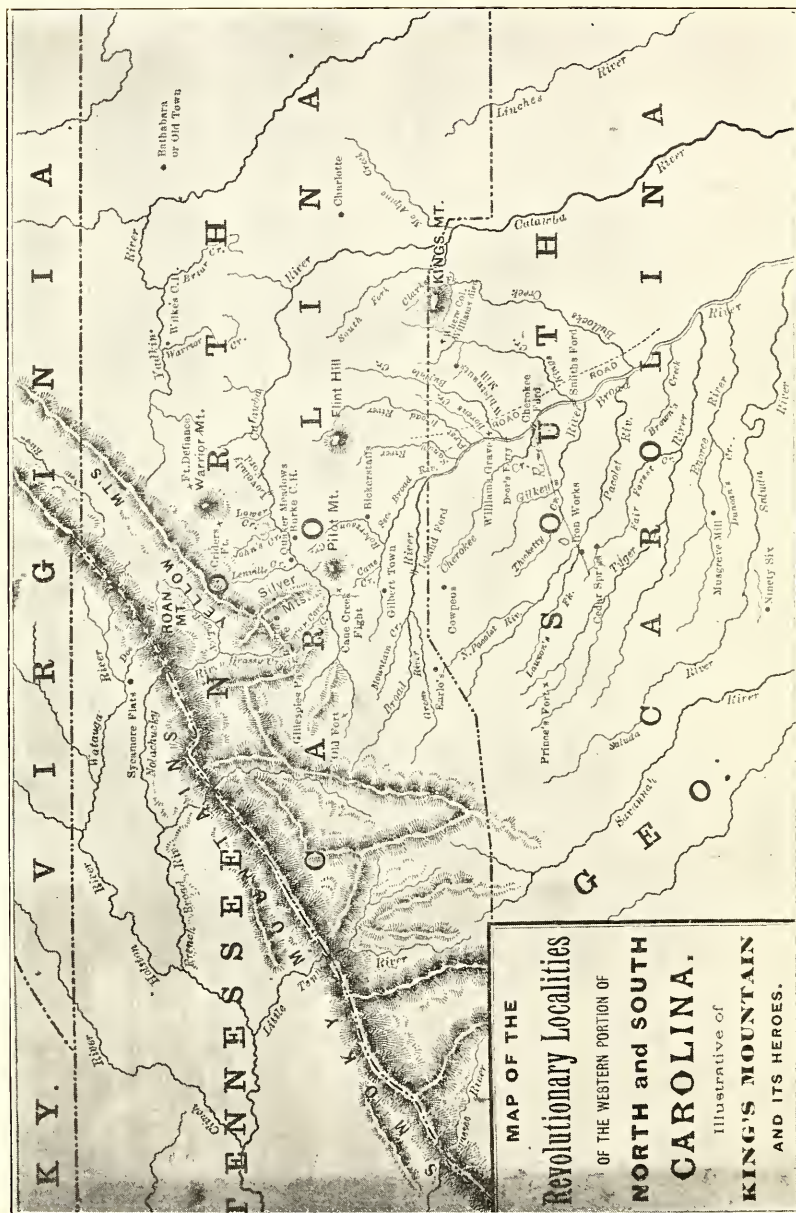
Let me live in Carolina  
'Till life's toil and strife are past!  
Let me sleep in Carolina  
When my sun shall set at last!  
Where the mocking bird is singing;  
Where my heart is fondly clinging;  
I would sleep when life is o'er,  
Sweetly on the old home shore.

I love thee, Carolina!  
Peace and plenty there abide.  
How bountiful thy harvest  
Gather'd in at autumntide.  
Fair thy fields where grows the cotton,  
Light and fleecy, soft and white;  
And the golden wheat doth ripple,  
Like a sea of amber light.

I love thee, Carolina!  
Land of story and of song;  
Of patriot and hero—  
How their deeds to mem'ry throng!  
Great in peace, and great in battle!  
Heart of fire to love or hate!  
Brightest star of all the Union,  
Is the glorious Old North State!







## THE BATTLE OF KINGS MOUNTAIN.

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BY WILLIAM K. BOYD.

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The Revolution in North Carolina has three distinct stages. First of these was a period of patriotic agitation which culminated in the instruction for independence in April, 1776, and the formation of a State Constitution in the following November. Then came years of reaction, when security from attack and division within the patriot party produced apathy and indifference toward the fortune of other colonies. Finally danger of British invasion in 1780, accompanied as it was by the rising of the loyalists, aroused new interest in the struggle for independence, and the British campaign in North Carolina proved to be the prelude to Yorktown. In this last phase of the war belongs the battle of Kings Mountain. In all the long conflict with the mother country no blow was struck more suddenly or effectively, and few had more important consequences. To appreciate its dramatic character as well as results the course of the Revolution in the South must be borne in mind.

The first attempt at Southern invasion in 1776 had failed. When Clinton and Cornwallis approached the coast of North Carolina in May of that year they learned of the defeat of the Royalists at Moore's Creek and found a military organization ready to resist invasion. They therefore diverted the expedition further south and laid siege to Charleston; there also fortune was against them, and in a few weeks they returned to New York. For two years the Southern colonies were practically unmolested. Then, in 1778, the British again undertook invasion. The movement was coincident with a crisis in the war. The attack by way of Canada had culminated in Burgoyne's defeat at Saratoga, and the only result of the invasion of the middle colonies was the capture

of New York. Washington was still at bay, and expediency suggested a campaign far removed from his leadership. Political affairs also embarrassed the English government. Opposition to the political methods of George III caused sympathy for the colonies, and in June, 1778, a commission arrived in Philadelphia offering all the claims of the colonists except independence. These liberal terms were not accepted and during the remaining years of the war England had to reckon with the French, whose alliance with the United States had been concluded the preceding February. A commercial problem was now involved; the American products in greatest demand in European markets were from the South, especially those from the Carolinas and Georgia; indeed Southern products upheld American credit abroad. The French alliance made the control of this source of supplies more important than ever. Finally, a large proportion of the people in the Carolinas and Georgia were loyalists—the exact per cent will never be known. As the British, after the rejection of compromise, treated the patriots as traitors and conducted the war as a conflict against rebels, the co-operation of the loyalist element was necessary.

For these reasons an expedition was sent against Georgia in 1778. Soon Savannah was captured, Augusta taken, and in December, 1779, Charleston, S. C., was besieged. After a brave defense the city surrendered in May, 1780. An elaborate campaign was now planned, nothing less than a northward invasion, which would cut off the South from the other colonies and so limit Washington's resources. The leadership of the movement was given to Lord Cornwallis, and Sir Henry Clinton, the commander-in-chief, returned North. Cornwallis readily advanced to Camden, where he established his headquarters, and sent advance divisions of his army to Augusta, Ga., and Ninety-six, S. C. Many conditions favored him; the early leaders of the Revolution in

South Carolina were dead or in prison, and the offer of parole as military prisoners made to the people was widely accepted; some were willing for the revival of British administration in the interest of trade; others, believing that the Continental Congress had neglected the interests of the South, were apathetic. While these conditions favored the British, one fatal policy turned the scale against them; that was the decision to subdue one part of the people with the assistance of the rest, to make the war a civil conflict. To this end all who had taken parole were restored to their rights and duties as citizens and all who should fail in their allegiance to his Majesty were denounced as rebels. In order to enforce these demands and organize the people, as well as to collect supplies for invasion, Col. Patrick Ferguson was sent into upper South Carolina.

This officer, the central figure in the battle of Kings Mountain, was one of the most brilliant men in the British army. His defeat and tragic death have robbed him of the place in popular knowledge which he deserves. For his age and rank few men have won greater distinction. Born in 1744, he entered the army at the age of fifteen; at twenty-four he had reached the rank of captain and had seen service on the continent and in the West Indies. The possibility of war in America turned his energy to two aims: one, to invent a breach-loading, rapid-fire rifle which would enable the British soldier to be a match for the riflemen of the American frontier; the other, to collect a select band of men, instructed in the use of his rifle and the methods of frontier warfare. In 1777 he was assigned to the American service and with his chosen band of American volunteers, about 300 in number, he participated in the battles of Brandywine and Monmouth, made several predatory expeditions into New Jersey and New York, and in 1779 joined Cornwallis in the siege of Charleston.

His services as advance agent of the British army were eminently successful. His message to the people was one of conciliation. "We come not to make war on women and children, but to relieve their distresses." He had rare powers of persuasion. "He would sit for hours and converse with the country people on the state of public affairs and point out to them from his view the ruinous effects of disloyalty to the crown. This condescension on his part was regarded as wonderful in a king's officer, and very naturally went very far to secure the respect and obedience of all who came within the sphere of his almost magic influence." Ferguson was also an organizer of ability. Loyalists were soon formed into companies, and in the Ninety-six district seven battalions of about 4,000 men were soon organized, largely through his activity. Civil as well as military authority was conferred upon him, and as the people between the Saluda and the Broad rivers had never recognized the South Carolina State government, a good opportunity was open for the revival of the British administration.

While success attended the efforts of Cornwallis and Ferguson the revolutionary cause in North Carolina was disorganized. The State's entire quota in the Continental line had been captured and imprisoned at Charleston and the militia paroled. The Tories were active once again. No less than sixty-two officers were commissioned by Ferguson from the counties of Anson, Chatham, Cumberland, Orange, and Randolph. The notorious David Fanning was gathering his band of outliers. A new patriot army had to be organized. Its basis was a new draft of 4,000 militia, ordered by the Assembly of 1780, commanded by Richard Caswell, and reinforcements from the Continental army who arrived in North Carolina about the time of the surrender of Charleston. While Cheraw was chosen as the place of mobilization, Gen. Griffith Rutherford organized nearly eight hundred men



at Mallard's Creek, near Charlotte. A detachment under Col. Francis Locke defeated the loyalists at Ramsour's Mill on June 20; another under William L. Davidson inflicted defeat at Colson's Mill on the Pee Dee a month later, while William R. Davie, cooperating with Sumter, won another victory at Hanging Rock on August 5. The hope of effective resistance aroused by these minor victories vanished with the disastrous defeat of Gates at Camden on August 15. Cornwallis gradually approached the State; by September 8 he reached the Waxhaws; by the last of the month he was in Charlotte, where, on October 3, Governor Martin, once again on North Carolina soil, issued a proclamation calling all loyal men to unite with the army.

At this crisis, while Davie and Davidson were collecting militia in the neighborhood of Charlotte, the blow which checked the British invasion was made at King's Mountain. It was largely the work of mountaineers from the western slope of the Blue Ridge. In 1771 a migration to that region from the western counties began. Soon a form of self government, the first ever worked out by native born Americans, was established in the valley of the Watauga, and in 1776 representatives from Washington District, Watauga Settlement, were admitted to the Provincial Congress at Halifax, and later Washington, Greene, and Sullivan counties were created, under the sovereignty of North Carolina.<sup>1</sup> To the resistance to British invasion Watauga had already contributed over two hundred men under Maj. Charles Robertson and Col. Isaac Shelby who crossed the hills in July, and, cooperating with Col. Charles McDowell, made the Cherokee Ford of Broad River their headquarters. From that place expeditions were sent out against the loyalists at Thickety Fort, some twenty miles distant, Cedar Springs on the Pacolet, and Musgrove's Mill on the Enoree. But after the rout

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<sup>1</sup>See *Early Relations of North Carolina and the West*, BOOKLET, January, 1908.

of the regular army at Camden, these militia and mountaineer recruits dispersed to their homes. They were followed by Ferguson as far as Gilbert Town, about three miles from Rutherfordton. The people of the country, believing that the struggle for independence was ended, flocked to the British standard and took the oath of allegiance. Detachments of Ferguson's troops engaged in skirmishes with the retiring patriots as far west as Old Fort.

The retreat of McDowell and Shelby, however, was temporary. It was their aim to renew the fight after the crops were gathered. This decision was hastened by a well authenticated threat of Ferguson. Through a paroled patriot he sent a message to the mountain men "that if they did not desist from their opposition to the British arms he would march his army over the mountains, hang their leaders, and lay their country waste with fire and sword." This was repeated to Shelby, Lieutenant-Colonel of Sullivan County. Perhaps with it came news of the loyalist expeditions between Gilbert Town and the mountains. Shortly after he rode from his home to Jonesboro, county seat of Washington County, and visited John Sevier, the county lieutenant. Both concluded that the time to assume the offensive had come. Sevier agreed to rouse the men of Washington County and those troops of McDowell who had taken refuge there, while Shelby undertook to enlist the cooperation of the neighboring Virginia settlements on the Holston as well as secure aid from his own county. Sycamore Shoals was chosen as the *rendezvous*, and there on September 25 came Sevier and Shelby with 240 men each, 160 of McDowell's scattered troops, and Col. William Campbell, of Washington County, Virginia, with 400 Virginians, who had been persuaded by correspondence with Shelby to aid the North Carolinians rather than march eastward and join the defense of Virginia.

The arrangements for the campaign were in keeping with that sense of individualism which characterized the early days of Watauga. Besides a few beeves which were slaughtered in the early part of the march, the only food was corn meal mixed with maple sugar, which each man carried in his wallet. The arms consisted of rifles, tomahawks, and hunting knives. There was no commander-in-chief; and during the battle fighting was by individuals rather than groups. Funds were provided by money from the land sales in the office of John Adair, the entry taker of Sullivan County. "I have no authority by law to make any disposition of this money," he said. "It belongs to the treasury of North Carolina and I dare not appropriate a cent of it to any purpose; but if the country is overrun by the British our liberty is gone. Let the money go, too. Take it. If the enemy by its use is driven from the country, I can trust that country to justify and vindicate my conduct." Nearly \$13,000 was thus secured; it was later refunded by the State of North Carolina. Finally, after an address by Rev. Samuel Doak, pioneer minister of Watauga, which tradition says closed by invoking the sword of the Lord and of Gideon, the group of military bands took up their march in search of Ferguson on September 26.

The route lay across Roan Mountain. On the summit two members of the expedition were missed. Suspecting desertion the leaders turned from the more northerly route to the Toe River, thence up Grassy Creek through Gillespie's Gap, into the north branch of the Catawba. Here, on September 29, they were joined by Col. Charles McDowell, and the next day at Quaker Meadows, the McDowell home, by 350 men from Wilkes and Surry counties under Col. Benjamin Cleveland and Maj. Joseph Winston. On Sunday, October 1, they passed Pilot Mountain and camped just south of that famous beacon for travelers. On Monday, because of the rain, they

remained in camp and in the evening the officers gathered to choose some common authority, for absence of one head had fostered rivalry and disorder; moreover, it was believed that Ferguson was in the neighborhood of Gilbert Town, and common leadership in the hour of battle seemed especially desirable. Col. Charles McDowell was the ranking officer, but his leadership was not acceptable, and there was rivalry among the other North Carolina leaders. Shelby, therefore, suggested that a request be sent to General Gates, at Hillsborough, for a commander and that until such one should arrive, Colonel Campbell, a Virginian, assume the leadership of the expedition. This was accepted, and McDowell volunteered to act as messenger to Gates, the leadership of his men being assumed by his brother, Maj. Joseph McDowell, of Quaker Meadows.

On October 4 the little army reached Gilbert Town to find that Ferguson had fallen back. Indeed Ferguson does not seem to have given the mountaineers much consideration; his message was probably an idle taunt rather than a sincere threat. To him a more important patriot force was a small band under Capt. Elijah Clarke, of Georgia, which hovered around the Georgia-Carolina frontier. On September 27 he left Gilbert Town and went south in search of Clarke. Three days later, while at Broad River, the two deserters from the mountain army came to his camp and told of the enemy's approach.

Before this new and unexpected danger there were two alternatives: one to join Cornwallis at Charlotte, the other to remain in the borderland and meet the enemy if he approached. In making a decision three points had to be considered: the expediency of preventing a union of Clarke and the mountain army, the recall of many troops that had been given furloughs, and the desire to prevent a reversion from the loyalist cause among the people at large. These prob-

lems, as well as his own daring spirit, led Ferguson to hold his ground and meet the enemy. He therefore sent a message to Cornwallis for aid and issued the following statement to the people:

DENARD'S FORD, BROAD RIVER,  
TRYON COUNTY, October 1, 1780.

GENTLEMEN:—Unless you wish to be eat up by an inundation of barbarians, who have begun by murdering an unarmed son before his aged father, and afterward lopped off his arms, and who by their shocking cruelties and irregularities, give the best proof of their cowardice and want of discipline; I say if you wish to be pinioned, robbed, and murdered, and see your wives and daughters, in four days, abused by the dregs of mankind—in short, if you wish or deserve to live, and bear the name of men, grasp your arms in a moment and run to camp.

The Backwater Water men have crossed the mountains; McDowell, Hampton, Shelby, and Cleveland are at their head, so that you know what you have to depend upon. If you choose to be degraded forever and ever by a set of mongrels, say so at once, and let your women turn their backs upon you and look out for real men to protect them.

PAT. FERGUSON,  
*Major 71st Regiment.*

This message to Cornwallis was delayed because the carrier was pursued by some patriots, reached Cornwallis the day after the battle, and consequently no reinforcements ever reached Ferguson. Disappointed at lack of support and believing that Sumter and Clarke had joined the mountaineers, Ferguson decided to fall back toward Charlotte. On October 6 he reached the southern extremity of King's Mountain. This is a ridge about sixteen miles in length, running from a point in North Carolina southwest into York County, South Carolina. The spur now reached by Ferguson is in York County, about one and one-half miles from the North Carolina line, and about six miles from the highest elevation of the mountain. It is about six hundred yards in length and rises from a base of two hundred and fifty yards to a top

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\*There is no other evidence than this of violence being perpetrated by the mountain army. The first paragraph was probably intended by Ferguson to appeal to the fear of the people.



from sixty to two hundred and twenty wide, offering a commanding view of the surrounding country. On this summit Ferguson camped; his intention evidently was to await reinforcements and to let the enemy find him if he could. This decision, judged by European standards of warfare, was a wise one; the shrubbery and underbrush on the sides of the mountain made an assault *en masse* difficult, while Ferguson's troops, well trained in the use of the bayonet, could repulse those who might reach the summit. On the other hand, the mountaineers were skilled marksmen, and the top of the mountain was "so narrow that a man standing on it may be shot from either side." The patriots also fought individually, not collectively. These facts, with alternate charges on either side of the mountain, gave them an immense advantage.

In the meantime Campbell and his men, believing that Ferguson had retired to Ninety-six, had started south in pursuit. On the evening of October 5 they reached the ford of Green River. As some were discouraged and many exhausted, a band of 700 picked men, well mounted, was chosen to continue the pursuit. The next morning news was brought by Col. Edward Lacey of Ferguson's relative position and that a body of North and South Carolina militia was moving southward from Cherry Mountain and might be met at Cowpens.\* By a hurried march a junction of the two forces was accomplished. A council was held, Campbell was again chosen leader, and two hundred and ten recruits were added from the militia. A few footmen probably increased the entire number to 993 men. Then, on the night of the 6th, the march in the direction of King's Mountain was begun. Rain and darkness caused the guides to lose their way, and by morning the army had advanced not more

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\*There was dissension among these militia about joining the mountain army. See McCrady, *South Carolina in the Revolution*, pp. 764-775.





than five miles. The rain continued until noon; but by straining every nerve King's Mountain was reached about three in the afternoon, October 7.

Leaving the horses one mile from the base, a plan of attack in keeping with the methods of frontier warfare was adopted, viz: to surround the mountain and make alternate charges and retreats, fighting individually, each man for himself. Accordingly troops were arranged as follows: On the north side were stationed Shelby with Lacey's and Williams's militia; on the south Campbell, Sevier and Joseph McDowell, while Cleveland and Winston, with South Carolina militia under Hambright, were across the N. E. part of the hill. So quickly were these plans effected that Ferguson knew nothing of them until the fire of the attacking party was heard. The loyalists were then quickly arranged into two battle lines along the height, one to resist attack by volleys of musketry, the other to charge the enemy under the leadership of Ferguson. The patriot attack was led by Campbell's men, who ascended the most difficult part of the ridge, creeping from tree to tree and making targets of Ferguson's troops. They received the volleys from the firing line and when near the summit a bayonet charge. Before this counter attack they retreated down the mountain. But before Ferguson could regain the summit Shelby's men had ascended the opposite side of the mountain; they, in turn, retreated before a bayonet charge. When Ferguson had once more regained the summit, not only Campbell had returned to the fight but the right and left wings of the patriot army were in action. The engagement thus became general. Among the loyalists Ferguson was the commanding spirit. Riding along the ridge, making his presence known by a silver whistle, he led charge after charge against the mountain men, who simply continued the tactics with which the battle was begun. Finally, while leading an attack on Sevier's men, Ferguson



fell, pierced by half a dozen bullets. Capt. Abraham DePeyster, of New York, attempted to take the place of the fallen leader. In vain, for white flags were displayed at different points and DePeyster himself soon despaired and raised the symbol of surrender. Unfortunately not all the mountaineers seem to have understood the meaning of the signal and continued their fire. Campbell deserves most credit for ending the needless slaughter; he rushed among the troops exclaiming, "Cease firing; for God's sake, cease firing!"

Thus after an hour's engagement the loyalists were thoroughly defeated. The battle had important results. It was the first decisive check to the British invasion of the Carolinas, for Cornwallis, hearing of Ferguson's defeat, concluded that the patriot army numbered several thousand and therefore fell back from Charlotte to Winnsboro, S. C. Equally important was the time thus gained by the patriots in which to rally the militia and secure aid from the Continental army for resistance to invasion. The moral effect also should not be overlooked, well summarized by Bancroft: "The victory at Kings Mountain, which in the spirit of the American soldier was like the rising at Concord, in its effects like the success at Bennington, changed the aspects of the war. It fired the patriots of the two Carolinas with fresh zeal. It encouraged the fragments of the defeated and scattered American army to seek each other and organize themselves anew. It quickened the North Carolina Legislature to earnest efforts. It encouraged Virginia to devote her resources to the country south of her border."

The story of Kings Mountain does not end with the victory. The spontaneous and individualistic character of the campaign have given rise to several controversies. Of these claims for honors and leadership among the patriots stand foremost, and this controversial spirit still survives. The



services of Col. William Campbell were the earliest subject of dissension. The Legislature of Virginia voted him a sword in recognition of his part in the Kings Mountain campaign, and the North Carolina Assembly conferred a similar honor on Shelby and Sevier. None were immediately delivered; but after the death of Campbell Virginia presented a handsome sword, in commemoration of his services, to W. M. C. Preston, his grandson. This was in 1810. Shelby and Sevier then began a correspondence whose aim was to secure the swords promised but never presented by North Carolina. Comparisons of their own services with those of Campbell were made, as well as the claim that at the end of the battle Campbell was about one mile from the firing line. These questions were also discussed in the newspapers of Tennessee in 1812. Later Shelby's letters were published by Sevier's son after his father's death. They called forth a reply by W. M. C. Preston in 1822, and the next year Shelby's famous pamphlet of 1823 appeared. The general trend of the evidence seems to indicate that Shelby and Sevier were the promoters of the campaign and that Campbell, who opened the attack at Kings Mountain, left his horse in the rear with a servant, who was thus mistaken for Campbell.

A singular coincidence is a similar controversy among the loyalists. The descendants of Abraham DePeyster claim that to Ferguson does not belong the chief honor of defense, that he was killed early in the conflict, and that the command was then taken by DePeyster. While some evidence has been brought forward in support of this claim, the majority of the accounts of the battle are to the contrary and support the general view that the fall of Ferguson was almost immediately followed by tokens of surrender.

The relative importance of the McDowells in the campaign is another question full of controversy. Says one historian:

"To the brothers Charles and Joseph McDowell, of Quaker Meadows, and to their no less gallant cousin, Joseph McDowell, of Pleasant Garden, Burke County, N. C., are due more credit and honour for the victory at King's Mountain than any other leaders who participated in that decisive and wonderful battle." However, their names were not placed on the battle monument at King's Mountain.

Another problem of the battle is that of numbers. The patriot force can be estimated with some degree of certainty; it numbered about 993 men, as before stated. Not so Ferguson's command. It consisted of 100 Provincial Rangers, picked men from New York and New Jersey, and recruits from the Carolinas. The exact number is unknown. Tarleton fixes the Rangers at 100, the militia at 1,000; the diary of Allaire, the principal loyalist account of the battle, and the American official report also make the total number 1,100. Yet there is evidence that Ferguson's full strength was not in the battle; that a foraging party was sent out that morning; that it did not return until evening, when it had a skirmish with the patriots, and killed Col. James Williams. If this be true the numbers on both sides actually engaged were very nearly equal.

The losses are far more indefinite, for the official report of the patriots and private accounts differ; but a fair estimate is 300 killed and wounded and 600 prisoners for the loyalists. The losses of the patriots were insignificant; according to the official report 28 killed and 62 wounded; but these returns, tabulated by regiments, do not include Shelby's command.

By far the most delicate problem of the campaign was the treatment of the prisoners. Civil war is the most severe of all wars. During the battle kinsmen and neighbors were arraigned against one another and in some instances brother fought brother. Resentment and enmity naturally continued after the battle was ended. The march of the patriots home-

ward was begun the day after battle. On October 11 Colonel Campbell was constrained to issue the following order: "I must request the officers of all ranks in the army to endeavor to restrain the disorderly manner of slaughtering and disturbing the prisoners. If it can not be prevented by moderate measures, such effectual punishment shall be executed upon delinquents as will put a stop to it." However, there was another incentive to vengeance besides the cruelty and hatred of the conqueror, viz: the character of some of the captives. According to a statement submitted to Colonel Campbell, some were robbers, house burners, murderers and parole breakers. Moreover, news came of the atrocities committed by Tarleton's Legion. A desire arose to retaliate against British policy, to punish wrongdoers, and to warn loyalists everywhere. Therefore, while the army was encamped at Bickerstaff's, about nine miles from Rutherfordton, Colonel Campbell, on the advice of other leaders, ordered a court-martial to sit immediately, composed of field officers and captains, who were ordered to inquire into the complaints which had been made. For this hasty action a precedent was found in a North Carolina law which authorized two magistrates to summon a jury, conduct a trial, and even impose capital penalties. As most of the officers were magistrates at home, the tribunal hastily organized, had something of the character of a civil as well as military court. According to Shelby "thirty-six men were tried and found guilty of breaking open houses, killing the men, turning the women and children out of doors, and burning the houses." Naturally the rules of evidence which protect the prisoner were not strictly observed. The number condemned is variously reported, ranging from thirty to forty. Fortunately all were not executed; after nine had been hanged, the sense of mercy was aroused, and either by Campbell's orders or a reconsideration by the court, the sentence of the remaining

prisoners was rescinded. Circumstances helped to bring a kinder fate to most of the captives. Many were paroled, as many as 100 on the second day after the battle. The mountain men were anxious to reach their homes as quickly as possible, and the hasty march and the wet weather helped many to escape. As there was no prison at hand, the Moravian village of Bethabara was chosen as a place to house and keep the captives until orders should be received from the proper authorities. There they were led by Campbell to await orders from the American army. Gates ordered them to be taken to the Lead Mines in Montgomery County, Virginia. But the commanding officer there objected, as the loyalists were strong in the neighborhood. Governor Jefferson, of Virginia, was then consulted; he referred the matter to the Continental Congress, and Congress referred the care of the prisoners to the States from which they came. This was impractical and Gates finally ordered them to be transferred to Salisbury, N. C., for imprisonment. In the meantime conditions at Bethabara favored the prisoners. The Moravians were friendly and the civil authorities, under guise of binding over to court, took 187 from the camp. Others enlisted in the patriot militia; some faithfully, others as a means to get back to the British lines. So when the prisoners arrived at Salisbury the original number of 600 had been reduced in various ways to 60.

The sources of the material for the study of the battle are of course responsible for these controversies. The patriot leaders drew up an official report shortly after the conflict but private accounts written by them differ from it in many details. The official report, some nonofficial descriptions, and the diary of Anthony Allaire, the principal loyalist source, are given in Draper's *Kings Mountain and Its Heroes*. But a large number of manuscripts in possession of the Tennessee His-

torical Society and the Gates collection in the New York Historical Society remain unpublished.

Bibliography. Draper, *Kings Mountain and Its Heroes* is by far the most important study of the battle and its problems. Roosevelt's *Winning of the West* contains a well written and critical chapter on the subject. McCready, *South Carolina in the Revolution*; DePeyster, *The Affair at Kings Mountain* (*Magazine of American History*, vol. 5), and Schenck's *North Carolina, 1780-81*, are of interest and value. From these references to magazine articles and pamphlets are easily traced. See also Bailey, *Sketch of the Life and Career of Col. James D. Williams* (Cowpens, S. C.)



## SCHOOLS AND EDUCATION IN COLONIAL TIMES.\*

BY CHARLES LEE SMITH.

During the colonial period but few schools were established in North Carolina. Compared with New England there is a marked difference in this respect, and historians, without considering all the facts in the case, have unduly criticised this colony for want of zeal in educational matters.

It should be remembered that New England was peopled by colonies, and the establishment of schools was coeval with the settlements. The people were forced by circumstances to live together. This strengthened the bonds of union between them and tended to unite them in all objects relating to the common welfare. Then, too, the people of each community were generally of the same religious faith, and their preachers were at the same time the teachers of their schools.

In North Carolina conditions were radically different. This province was occupied by individual families, and although the first permanent settlement was made about 1660 there was no town until Bath was located in 1704. The population was chiefly confined to the territory north of Albemarle Sound, west of the Chowan River, and the territory between the two sounds, Albemarle and Currituck. The people were scattered sparsely here and there along the shores of the sounds and on the banks of the water courses. As late as 1709 the Rev. William Gordon, writing to the secretary of the Society for the Propagation of the Gospel in Foreign Parts, referring to the settlement on the Pamlico River, has this to say of the only town in the province: "Here is no church, though they have begun to build a town called Bath.

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\* For a fuller account of the colonial schools, see the writer's *History of Education in North Carolina*. Bureau of Education: Washington, 1888.

It consists of about twelve houses, being the only town in the whole province. They have a small collection of books for a library, which were carried over by the Reverend Doctor Bray, and some land is laid out for a glebe.”<sup>1</sup> About this time Beaufort was laid out for a town, and a little later New Bern was settled by the Swiss. The settlers represented many nationalities and religious sects: “Scotch Presbyterians, Dutch Lutherans, French Calvinists, Irish Catholics, English Churchmen, Quakers and Dissenters.” Scattered settlements and religious dissensions not only made impossible the village schools of New England but prevented any comprehensive social educational development.

During the proprietary period schools were neglected, the government making no provision for their maintenance. But it must not be understood that the inhabitants were in dense ignorance and wholly devoid of educational facilities for, as Vass shows, “there were many highly educated citizens scattered throughout the province who lived with considerable style and refinement.”<sup>2</sup>

The first public library in North Carolina was established at Bath. It was the gift of Doctor Bray, who was appointed commissary by the Bishop of London in 1692.<sup>3</sup> The earliest account of teachers is the report of John Blair, who came as a missionary in 1704. He states that the settlers had built small churches in three precincts and had appointed a lay reader in each, who was supplied by him with books from the library.<sup>4</sup> We infer that these lay readers were schoolmasters from a statement by John Brickell, who visited the various settlements in the early part of the eighteenth century and published in Dublin in 1737 the *Natural History of North Carolina, with an Account of the Trade, Manners and*

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<sup>1</sup> N. C. Colonial Records, Vol. I, p. 715.

<sup>2</sup> Vass's *Eastern North Carolina*, p. 21.

<sup>3</sup> N. C. Colonial Records, Vol. I, p. 571 et seq.

<sup>4</sup> N. C. Colonial Records, Vol. I, p. 601.

Customs of the Christian and Indian Inhabitants. Noting the scarcity of clergymen he adds that "the want of these Protestant clergy is generally supplied by some schoolmasters who read the Liturgy, and then a sermon out of Dr. Tillotson or some good, practical divine every Sunday. These are the most numerous and are dispersed through the whole province." <sup>5</sup>

About 1705 Charles Griffin came from some part of the West Indies to Pasquotank and opened a school which was patronized by all classes. Rev. William Gordon, who came from England as a missionary in 1708, in a letter to the secretary of the Society for the Propagation of the Gospel, written in 1709, alludes to the fact that the Quakers in Pasquotank were sending their children to the school of a lay reader of the church named Griffin.<sup>6</sup> About this time Rev. Mr. Gordon established a church in Chowan Precinct, at the head of Albemarle Sound, in the settlement which afterwards became Edenton. Rev. James Adams having settled in Pasquotank, the school in that settlement was transferred to him. Mr. Griffin was now, at the instance of Mr. Gordon, elected lay reader of the church and clerk of the Chowan vestry. He opened a school in that parish, text-books for the pupils being furnished by the rector.<sup>7</sup> In a letter dated "Chowan, in North Carolina, July 25, 1712," the Rev. G. Rainsford, a missionary of the Society for the Propagation of the Gospel, tells of conferences with Thomas Hoyle, King of the Chowan Indians, who was inclined to embrace Christianity "and proposes to send his son to school to Sarum to have him taught to read and write by way of foundation in order to a farther proficiency for the reception of Christianity," and adds: "There's one Mr. Washburn who keeps a school at Sarum, on the frontiers of Virginia, between the two govern-

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<sup>5</sup> Brickell's North Carolina, p. 35.

<sup>6</sup> N. C. Colonial Records, Vol. I, p. 714.

<sup>7</sup> N. C. Colonial Records, Vol. I, pp. 684, 712, 714.

ments and neighboring upon two Indian towns who, I find by him, highly deserves encouragement, and could heartily wish the Society would take it into consideration and be pleased to allow him a salary for the good services he has done and may do for the future. \* \* \* The man upon a small income would teach the Indian children gratis (whose parents are willing to send them could they but pay for their schooling) as he would those of our English families had he but a fixed dependency for so doing, and what advantage would this be to private families in particular and the whole colony in general is easy to determine.”<sup>8</sup>

A careful examination of the records of the colony while under proprietary government shows but one instance in which help was afforded to literature. This was an act<sup>9</sup> for the preservation of the library given by Doctor Bray, to which reference has been made. This act provided that a librarian should be appointed, that catalogues should be prepared, and that, under certain conditions, books might be taken from the library, fines to be paid if not returned within a specified time. The only author in the colony during this period, so far as is known, was the Surveyor-General Lawson, who wrote a history of the colony which was first published in 1709.

The above account represents the state of education under the rule of the Lords Proprietors. While the school advantages of the masses were limited, the governors, judges, councilors, lawyers and clergy, who were educated in England, furnish evidence from their letters and other documents that there was no deficiency of learning among the higher classes. Such men as Gale, Moseley and Swann were fit associates for the most intelligent men in any of the English provinces of their day. Libraries at Bath and Edenton contained

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<sup>8</sup> N. C. Colonial Records, Vol. I, p. 859.

<sup>9</sup> Laws of North Carolina, Davis's Revisal (New Bern, 1752), p. 203.

many valuable books, showing that those who read them had cultivated minds.

At the date of the transfer of authority from the Lords Proprietors to the Crown the population numbered about thirty thousand, and during the first twenty years of royal rule the educational condition of the masses was but little changed. Families of means maintained tutors, while some sent their sons to Harvard and other colleges in the Northern colonies. The early governors of the province had little desire to promote popular education, but Gabriel Johnson, appointed in 1734, was an exception to the rule. He was the first to recommend that the Assembly make provision for schools, but his efforts were without avail.

The first legislative enactment for the promotion of schools was the bill to erect a schoolhouse in Edenton, passed by the General Assembly which met in New Bern April 8-20, 1745.<sup>10</sup> The first act to establish a free school was passed in 1749,<sup>11</sup> but the first school really established by the government was the one located at New Bern in 1764. The New Bern school was incorporated in 1766, being the first incorporated academy in the province. It was provided that the master should be a communicant of the Established Church of England, and that "a duty of one penny per gallon on all rum or spirituous liquors imported into the river Neuse" should be collected from the importers for seven years after the passage of the act, this fund to be used for the education of ten poor children and to enable the master to keep an assistant.<sup>12</sup> Prior to the Revolution this school was under the control of the Established Church, and for that reason it was not favorably regarded by dissenters, many of them preferring to send their sons to the Presbyterian schools of the

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<sup>10</sup> N. C. Colonial Records, Vol. IV, pp. 783, 788, 790.

<sup>11</sup> N. C. Colonial Records, Vol. IV, p. 977.

<sup>12</sup> Davis's Sec. Revisal (New Bern, 1773), p. 359.



Piedmont section. In 1770 the Edenton Academy, under the control of the Established Church, was incorporated.

During the colonial period two noteworthy bequests were made for schools: that of James Winwright, in 1744, to establish a free school in Beaufort, and that of James Innis who, by his will made in 1754 and duly proved before Governor Dobbs in 1759, made provision for a free school for the benefit of the youth of the province.<sup>13</sup> From this last bequest the Innis Academy, of Wilmington, had its origin. This school was incorporated in 1759 with Samuel Ashe, A. McLain, William Hill and others as trustees.

Of the thirty thousand Germans who left their country in the early part of the eighteenth century to find homes in America eighteen thousand are said to have eventually settled in North Carolina. Baron DeGraffenried with his Swiss and Palatines settled in New Bern. Later German immigration settled principally in the Piedmont section.

In 1751 the religious sect known as the *Unitas Fratrum*, commonly called Moravians, purchased one hundred thousand acres of land in Western Carolina, and in 1753 began their settlement, which from that time to this has been noted as one of the most moral, prosperous and intelligent communities in the commonwealth. Salem, their principal town, was laid out in 1765.

These Germans, as a class, were men of fair education and refinement, especially the Moravians. The latter, even before homes for all had been provided, erected a church and schoolhouse. One of the most noted of these early Moravian immigrants was John Jacob Fries, who came in 1754. He was a native of Denmark, where, previous to his coming to America, he had officiated as an assistant minister and was widely known as an accomplished scholar. He was one of

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<sup>13</sup> Coon's Public Education in North Carolina, Vol. I, pp. 1-7.

the pioneer teachers of North Carolina, in which vocation he continued until his death in 1793.

No marked educational advancement became manifest until the arrival of the Scotch-Irish who began to settle in the Cape Fear region, in large numbers, in the second quarter of the eighteenth century. This immigration continued till the Revolution, the newcomers bringing with them in great measure the same spirit that prompted the establishing of Icolumkill and Lindisfarne. From their arrival dates the impulse for the establishment of schools throughout the colony. For the most part they were disciples of John Knox, and about 1745 the New York and Pennsylvania Synods of the Presbyterian Church began to send missionaries to this colony.

It is to the Presbyterian Church that North Carolina owes the establishment of her first classical schools, and it is to that denomination and Princeton College that the higher education in this State owes its first impulse. The Presbyterian missionaries, usually graduates of Princeton, became both pastors and teachers. They gathered the scattered families of their faith into churches, and by the side of the church was planted a school.

During the second half of the eighteenth century the following, who were graduated at Princeton before 1776, were influential in the educational development of North Carolina: Hugh McAden, Alexander Martin, Alexander McWhorter, Samuel Spencer, Joseph Alexander, David Caldwell, John Close, Waightstill Avery, Ephraim Brevard, Adlai Osborne, Thomas Reese, Isaac Alexander, James Templeton, Andrew King, Stephen Bloomer Balch, James Hall, David Witherspoon, John Ewing Calhoun and Thomas B. Craighead. In 1776 Nathaniel Macon was a student at Princeton, but owing to the war he abandoned a college course that he might actively serve his country.

In 1760 Crowfield Academy was opened in Mecklenburg

County, about two miles from where Davidson College now stands. It is probable this was the first classical school in the province. About this time the Rev. James Tate, a Presbyterian minister from Ireland, established a classical school at Wilmington. Other well-known Presbyterian schools of this period were Rev. Henry Patillo's school in Orange County and Clio's Nursery, taught by Rev. James Hall, D.D., in Iredell County.

The most illustrious name in the educational history of the province is that of Rev. David Caldwell, D.D. In 1766 or 1767 he established a classical school in Guilford County, at that time the northeastern part of Rowan County, about three miles from where Greensboro now stands. It soon became one of the most noted schools in the South, and for many years "Dr. Caldwell's log cabin served North Carolina as an academy, a college and a theological seminary."

The most noted school for higher education in North Carolina during the colonial period was Queen's College, also known as Queen's Museum, located at Charlotte, and its history is interesting as a bold and vigorous effort for the promotion of learning under the most discouraging circumstances. The beginnings of this institution are found in the classical school established in 1767 by the Rev. Joseph Alexander and a Mr. Benedict at the Sugar Creek Presbyterian Church near Charlotte. The community in which this school was located was noted for its intelligence. The school flourished, and to meet the demands of a growing and prosperous community it was decided to enlarge its scope. Queen's College became the successor of Alexander's school. An act entitled "An act for founding, establishing and endowing of Queen's College, in the town of Charlotte, in Mecklenburg County" was passed by the Assembly which met in New Bern on December 5, 1770. It was twice chartered by the Legislature and twice repealed by royal proclamation. The royal government as

a rule favored no institutions not under the control of the Church of England, but notwithstanding royal disfavor Queen's College continued to flourish. It is probable the name was changed to Liberty Hall Academy in 1775, as the trustees did not care to continue the royal name where British authority had refused a charter. The coveted recognition came at last, but it was under the blessings of liberty and not by the King's favor. In the first year of American independence the Legislature of North Carolina, as the representative of the sovereign authority of a free State, granted a charter to Liberty Hall Academy.

## SOME NORTH CAROLINA HEROINES OF THE REVOLUTION.

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BY RICHARD DILLARD, M.D.

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Honore de Balzac wisely remarks that "every man should dissect at least one woman." She stands in direct antithesis to man, and how little even yet does he understand the delicacy of her tissues, the quality and temper of her nerve ganglia, the gentleness and generosity of her impulses, the beauty and strength and depth of her devotion; her voice is as the sweetest lute, her place her home; her shrine is the heart of man.

We all admire the character of Deborah who led the Israelitish hosts to battle, and her song of victory and thanksgiving still remains one of the most beautiful specimens of ancient Hebrew poetry. At break of dawn Mary Magdalene sought the sepulcher, and it was her commission to announce the glad tidings of the resurrection; her joyful cry, "He is risen! He is risen"! has come rolling down the ages, and woman is still bringing us messages of joy and peace and hope. We love to read of the devotion of Ruth to Naomi, and how Rizpah watched and guarded the bodies of her dead kinsmen for six long months under the skies of Palestine, "from the beginning of the barley harvest until water dropped upon them out of heaven"; and there was Artemissia, too, who, dazed by grief and in the anguish of despair, ate the heart of her dead husband that his love might be buried forever in her. All history and every age resounds with her deeds of heroism, her prowess, her beauty and her virtues.

The honor belongs to woman for the discovery of the arts of drawing and painting, for when Debrinades, the Sycionian, was taking leave of her lover, about to start for war, with the aid of a candle and a piece of charcoal she sketched



his profile upon the wall of her father's house; this she afterwards perfected to comfort her in his absence, and it became the first picture. Then there are Iphigenia, Irene of Constantinople, Semiramis the wonderful, Zenobia the beautiful, Joan d'Arc the heroic, Lady Mary Wortley Montagu, the benefactress of mankind, and Angustura the maid of Saragossa, immortalized by Byron in Childe Harold who, snatching a crucifix from a priest and a sword from the hand of her dying lover, rallied the wavering Spanish legions and led them on to victory. These, all these, shall live as long as noble deeds and human records last! So much by way of introduction, let us now shift the scene to the women of the American Revolution, and particularly to those of our own State.

Beginning at the barren sand dunes of Currituck listen to my story of "Betsey Dowdy's Ride."

The bright lightwood fire from Joe Dowdy's cottage gleamed far out across the marshes in the chill December air, the cold north wind moaned like a wraith under the low built eaves, and the surf thundered ponderously along Currituck beach. It was an unfriendly night, and Joe Dowdy sat with his pipe in the chimney corner looking vacantly into the fire, now and then kicking it with his coarse boots and sending meteoric showers of dancing, gleeful sparks pell-mell up the chimney.

Betsey Dowdy and her mother sat silently carding wool for their winter clothes. The furniture of the room was entirely incongruous with the surroundings, and was evidently treasure trove from the sea; the easy chair in which Joe Dowdy was sitting had evidently been plundered from the grand salon of some ship, which unhappy fate had driven upon the inhospitable beach.

Joe Dowdy was a wrecker, and lived principally upon his salvage from the sea, and a rough, jolly fellow he was, broad-

shouldered and ruddy-cheeked—the most daring of all who dwelt along the coast.

His only daughter, Betsey, was of his same heroic mould. In her isolated home she had but little contact with the outside world, but was passionately fond of books and greedily devoured every one which chance threw into her hands, most of which were of a romantic character. No wonder then that she early developed and cherished the idea that she was the child of Fate, and destined to perform some great heroic deed. Already, during a storm, had she plucked a tiny life from the fury of the downpouring seas.

There was a sharp knock at the door, and without ceremony in stalked old Sam Jarvis, long-haired and bearded like a saint, he had come from the mainland in his canoe to fetch the news, and Betsey listened eager-eyed to his story, as he told in detail of Colonel Howe's badly equipped, poorly drilled troops; of Captain Benbury's delay in sending forward supplies, and of Captain Vail's company composed of those fine dressed fellows from Edenton, whom he did not believe would fight at all; that a battle was imminent at Great Bridge, and if Dunmore were successful he would immediately invade Eastern North Carolina; their homes would be destroyed, their goodly lands laid waste, and they would be nothing but British slaves again. And then the conversation turned to old Nick Lindsay, the infamous Tory of the neighborhood, for everybody was indignant at the way he made fun of the Patriot army and carried news to the British commander on the sly; and besides, he lived on the mainland very near the highway, and kept a pack of dogs just to annoy everybody who passed, and when Betsey heard all that her cheeks burned and she hated him in her heart.

And her father agreed with Sam Jarvis that the situation was very desperate, and unless something was done immediately, all would be lost; and they both said, too, that Gen.

William Skinner, of Yeopim, was the man of the hour, and if only he could be communicated with at once the invasion might be checked, but he lived over fifty miles away, and that would be impossible on such a night, either by land or by water. Betsey finally went off to bed—but not to sleep, for something urged her to go to General Skinner that night; she felt that the supreme moment of her destiny had arrived; so after thoroughly maturing her plans she crept to the door; all was still and silent in the house; she raised her only window, and in a moment more had saddled her pony and was galloping off down the beach to a ford across Currituck Sound to the mainland.

Good St. Agnes protect such a child, on such a mission, on such a night! Now Betsey knew it would be high tide about 12 o'clock, and it was her object to reach the ford before the water was too deep to cross. It was a full half-hour of suspense and anxiety as she swept all unheeded by fishermen's huts, sand dunes and across the heath to her goal. She halted at the water's edge; she had miscalculated; the tide was at half-flood and rising rapidly! A girlish dread came over her; a moment's hesitation, but 'twas no time to waver, down she rode into the water up to her pony's knees. The night hung like a darksome pall over horse and rider; she spurs her pony and he plunges forward, now up to his haunches, now the saddle skirts drag in the water—he swims—she shivers, leans forward, and firmly grasps his mane. Now Betsey knew the sagacity of these wiry little banker ponies; it was a natural instinct in them to swim, so she gave him loose reins, and as he was bearing her bravely she lifted her eyes above and thought how the children of Israel had passed through the Red Sea, and her purpose and her faith forsook her not, for she knew that the Lord of Hosts was with her. The pony reels and flounders; but no, he is in the shoal water of the other side. A few moments more they stood upon the

mainland, dripping and cold. Another difficulty now beset her way, another dragon was to be passed. Old Nick Lindsay, the Tory, lived but two miles further up the road, and she dreaded that he might interrupt her in some way and thwart her purpose, for he was always on the watch to see what the Patriots were doing; so just before she reached his gate she made a dash with her pony—just then over the fence bolted the whole pack of curs after her—old Nick threw open his door and hailed. Speed Betsey, speed, like Roderick's henchmen to Lanric Mead! Speed Betsey, speed! Down the road they went, rider and horse and dogs. You would have thought John Gilpin was repeating his famous turnpike ride that very night. Old Nick discharged his musket, and the lead showered all over them, but she sped on, and it was not until a turn in the road had been reached a mile further on did she hear old Nick harking back his dogs, for she had beaten the race. She and her pony were now dry, and warm and comfortable. All during the night she would halt and listen, sometimes she would seem to hear the booming of a cannon afar off, but she swerved not in her purpose. The air was crisp and clear, and the frozen road fairly resounded beneath her pony's hoofs as she galloped past houses dark and gray and silent, through cornfields white with frost, and dismal woodland, through endless swamps and over long bridges, and sometimes she heard strange noises and thought she saw figures crouching in the road to seize her; but when she reached the county of John Harvey she gave a sigh of relief, for she knew he had inspired the whole neighborhood with patriotism. Many a time she came to a fork in the road and knew not which one to take, but she gave her pony the reins and let him decide, and he was always right for Fate was guiding them. Day was now beginning to dawn in the east, the morning star grew pale, and when the sun arose she was crossing the float bridge at Phelps's Point, now called Hertford. She

fell into a pleasant reverie as she thought how General Skinner would thank her and welcome her to his house, and then she fancied just how the old warrior would look in his gaudy uniform with gold epaulets upon his broad shoulders and of the comfort and the warmth, and she leant over, and tenderly caressing her pony said, "Go on—go on, my pet, we'll be there soon." Another hour brought her to General Skinner's headquarters. Her message was delivered, immediate relief was promised—seven hours of hunger, fatigue, suspense—more than fifty miles had been bravely covered. Her mission was ended, and Betsey Dowdy's fame soon rang through the land.

All along the route as she returned home the next day she heard guns and saw bonfires, and flags waving, and her heart sank at first, for she thought the British invasion was surely at hand; but the people were rejoicing, the battle of Great Bridge had been fought and won, and Dunmore was rapidly evacuating Norfolk.

For many a day the people along the road, which Betsey Dowdy traversed, talked about the wild-mad horseback rider who sped by their houses like the Erl King after midnight. Old Nick Lindsay the Tory died suddenly that very night, and as for Tom Bob Ansell he declared to his dying day "Twan't no horseman at all, only Old Nick's spirit a-flying away with them durned Britishers."

And this is the story of Betsey Dowdy, and how she carried the news to General Skinner, and that was how they brought the good news from Ghent to Aix: "The news which alone could save Aix from her fate."

The daring exploit of Mrs. Mary Slocumb is dear to the heart of every North Carolinian. She dreamed one night that she saw the Patriot army defeated, and the mangled body of her husband lying uner a certain tree upon the battle-field; the scene was so vivid that she determined to go to her husband that night at all hazard; so, leaving her only child in



the care of a slave, she rode all that night and a part of the next day, but when she arrived upon the field of battle the British had been defeated, and her husband wounded in a charge, but not seriously. All that day she nursed the dying and the wounded, and returned home in safety. Mrs. Slocumb and her gallant husband lie buried beneath modest slabs on their old plantation, but in the summer of 1907 a splendid monument was unveiled to her and other heroic women of the Revolution, near the very spot where she nursed and cared for the wounded patriots.

It is a handsome base of blue granite surmounted by a statue of a beautiful heroic woman, in Italian marble, the inscriptions on the different sides of the monument are as follows: "This monument was erected by the Moore's Creek Monumental Association in the year 1907." "Most honored of the names recorded by this historic association is that of Mary Slocumb, wife of Lieut. Slocumb, riding alone at night sixty-five miles to succor the wounded on this battlefield. Her heroism and self-sacrifice place her high on the pages of history, and should awaken in successive generations true patriotism and love of country." "To the honored memory of the heroic women of the lower Cape Fear during the American Revolution—1775-1781." "Unswerving in devotion, self-sacrificing in loyalty to the cause of their country, their works do follow them, and their children rise up and call them blessed."

The name of Flora MacDonald must not be omitted from the list of North Carolina heroines of the Revolution. Foote tersely remarks that "Massachusetts had her Lady Arabella, Virginia her Pocahontas and North Carolina her Flora MacDonald." Had Flora MacDonald espoused the cause of the Patriots, as she should have consistently done, instead of aiding the British cause, she would have written her name higher than any woman in our history; but to use her own words,

after she returned to Scotland, referring to the failure of the two great enterprises of her life, she said: "I have hazarded my life for the House of Stuart, and for the House of Hanover, and I do not see that I am a great gainer by either." It is to the British historian therefore that she must look for the glorification of her name.

A complete roster of the Revolutionary heroines of North Carolina is beyond the scope of this short sketch, and the reader must be content with the bare mention of many of the most prominent names, such as Mrs. Robin Wilson, the heroine of Steel Creek, Rachel Caldwell, Elizabeth Steele, Margaret Caruthers, Ann Fergus, Sarah Logan, Margaret McBride and Mrs. Willie Jones.

The Virginian points with pride to the stone which marks the site of the Colonial Capitol at Williamsburg, upon which is inscribed the resolution of Jefferson and others declaring they would drink no more tea, or use any stuffs of British manufacture. Both the men and women of Boston signed similar resolves, but the "Edenton Tea Party"—where will you find its parallel? Published and discussed in the English newspapers, cartooned by the most famous caricaturists of the day, ridiculed by the Tories as "Edenton Female Artillery"; I have said it once and I say it again, we can not eulogize too highly the action of those brave women, and particularly Penelope Barker, one of the most unique and interesting figures which masqueraded in our past. A maker of history, herself a great political character, she inaugurated and led a movement which takes a prominent place along with those acts of unselfishness, self-denial and patriotism which led up to the American Revolution.

Very few people know that the first martyr of the Revolution was on account of tea. After those patriotic outbursts at Boston on account of the "Tea tax" there were a few who defied public opinion. Among them was a man named The-

ophilus Lillie and his associate, one Richardson, who continued to import and sell tea. This came near producing a riot, and Richardson was attacked by boys in the street, pelt-ing him with dirt and stones. He discharged his old musket into the crowd, killing a lad named Snyder. Young Snyder's death produced a profound impression all over the country, and he was at once proclaimed the first martyr to the cause of liberty. His funeral was the largest ever seen in Boston. Upon his coffin was the inscription "Innocence itself is not safe," and was borne by six of his fellows, followed by a procession of five hundred school children and fifteen hundred citizens. All this is by the way.

A public-spirited and patriotic citizen of Edenton, Mr. Frank Wood, has marked with an appropriate memorial (a huge bronze teapot surmounting a Revolutionary cannon), the site of that "Edenton Tea Party, Oct. 25, 1774"; a monument to those fifty-one women who helped to make our commonwealth possible. There it stands a perpetual inspiration to noble deeds and virtuous actions, and thither, as to a fountain, future generations repairing from its brazen urn shall draw light and liberty, for "To the souls of fire I, Pallas Athene, give more fire, and to those who are manful I give a might more than man's."

## BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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COMPILED AND EDITED BY MRS. E. E. MOFFITT.

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### MISS BETTIE FRESHWATER POOL.

Miss Bettie Freshwater Pool, who wrote the poem "Carolina," which appears in this issue of the BOOKLET, was born at the Pool homestead in Pasquotank County, near Elizabeth City, and was the ninth child of George D. and Elizabeth (Fletcher) Pool. This old Colonial home had been in that family for generations and was a beautiful place. "The building of spacious dimensions" was surrounded by extensive grounds shaded by a variety of magnificent trees.

The Pools were for many years among the most prominent citizens of Pasquotank and have given many brilliant and useful sons and daughters to North Carolina. They came from England early in the eighteenth century and settled in that county. Patrick Pool in 1760 took up a large grant of land from his kinsman, John, Earl of Granville, which was situated in both Virginia and this State. He was the great-great-grandfather of the subject of this sketch.

Miss Pool at the early age of eight surprised her father by her remarkable verses, which she repeated as she sat on his knee. Her vivid imagination revealed itself in the composition of stories and rhymes before she could even read or write. Her unusual gift, displayed by reciting these, won for her the name of "The story teller" among youthful companions.

A severe accident when a child rendered her an invalid for twenty years, during which time she was unable to attend school; hence she is almost entirely self-educated. Stories were written to while away the tedious hours. These appeared later in a little volume entitled "The Eyrie and Other

Southern Stories." They are well written and full of interest.

Besides this work Miss Pool has written and published "Under Brazilian Skies," a love story of the tropics. Several songs, among them "My Love is All Around Thee," "The Banks of the Old Pasquotank" and "Carolina," have been composed by her and set to music.

During the last session of the General Assembly a bill was introduced to adopt this as a State song. It was read by one of the members in the Senate amid hearty applause, and the poem was recorded in the journal of the Senate. It has been pronounced by some to be superior to the other two State songs. We publish the entire poem in this issue.

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Sketch of Prof. W. K. Boyd, author of "Battle of Kings Mountain," in this number of the BOOKLET, appeared in Vol. VII, No. 3, January, 1908.

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Sketch of Dr. Richard Dillard, author of "Some North Carolina Heroines of the Revolution," in this number of the BOOKLET, appeared in Vol. VI, No. 2, October, 1906.

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#### CHARLES LEE SMITH.

For the following sketch of the writer of the article on *Schools and Education in Colonial Times*, which appears in this issue, we are indebted to *Who's Who in America*.

Charles Lee Smith, son of Louis Turner Smith, M.D., and Nannie Green Smith, nee Howell, was born at Wilton, Granville County, N. C., August 29, 1865; graduated from Wake Forest College, 1884; teacher in Raleigh Male Academy and associate editor of *Biblical Recorder*, 1884-1885; graduate student at Johns Hopkins University (Ph.D., 1889) and in Germany, 1885-89; at Johns Hopkins, was successively University Scholar, Fellow in History and Politics, instructor in



History, and lecturer on Sociology; while a member of the faculty of Johns Hopkins (1888-1891), was also secretary of the Baltimore Charity Organization Society (1889-91) and secretary of the National Conference of Charities and Correction (1889-90); married, October 24, 1889, to Sallie Lindsay Jones, High Point, N. C.; professor of History and Political Science in William Jewell College, 1891-1905; Gay Lecturer in Southern Baptist Theological Seminary, 1901; president of Mercer University, 1905-1906; in 1906, Wake Forest College conferred on him the honorary degree of LL.D.; since 1906, he has been a member of the Edwards & Broughton Printing Company, Raleigh, N. C.

Dr. Smith is a contributor to leading periodicals and the author of *The History of Education in North Carolina*, *The Money Question*, etc. Governor Kitchin recently appointed him a member of the Library Commission of North Carolina, which was created by Act of the last Legislature.

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# INFORMATION

## Concerning *the* Patriotic Society

### "Daughters of the Revolution"

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The General Society was founded October 11, 1890,—and organized August 20, 1891,—under the name of "Daughters of the American Revolution"; was incorporated under the laws of the State of New York as an organization national in its work and purpose. Some of the members of this organization becoming dissatisfied with the terms of entrance, withdrew from it and, in 1891, formed under the slightly differing name "Daughters of the Revolution," eligibility to which from the moment of its existence has been *lineal* descent from an ancestor who rendered patriotic service during the War of Independence.

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### "The North Carolina Society"

a subdivision of the General Society, was organized in October, 1896, and has continued to promote the purposes of its institution and to observe the Constitution and By-Laws.

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### Membership and Qualifications

Any woman shall be eligible who is above the age of eighteen years, of good character, and a *lineal* descendant of an ancestor who (1) was a signer of the Declaration of Independence, a member of the Continental Congress, Legislature or General Court, of any of the Colonies or States; or (2) rendered civil, military or naval service under the authority of any of the thirteen Colonies, or of the Continental Congress; or (3) by service rendered during the War of the Revolution became liable to the penalty of treason against the government of Great Britain: *Provided*, that such ancestor always remained loyal to the cause of American Independence.

The chief work of the North Carolina Society for the past seven years has been the publication of the "North Carolina Booklet," a quarterly publication on great events in North Carolina history—Colonial and Revolutionary. \$1.00 per year. It will continue to extend its work and to spread the knowledge of its History and Biography in other States.

This Society has its headquarters in Raleigh, N. C., Room 411, Carolina Trust Company Building, 232 Fayetteville Street.









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