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Vol. IX

JULY, 1909

No. 1

The
NORTH CAROLINA BOOKLET

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

Published by
THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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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INDIANS, SLAVES AND TORIES: OUR 18TH CENTURY LEGISLATION REGARDING THEM.

BY CLARENCE H. POE,

Editor of *The Progressive Farmer*, and author of "A Southerner in Europe," and "Cotton: Its Cultivation, Marketing, Manufacture, Etc."

I have been very much interested recently in a bulky, leather-bound volume of 700 thick and yellowed pages, with old-fashioned f-like s's, an equally old-fashioned style of capitalization, and besprinkled here and there with typographical ornaments that have since gone out of use, its title page reading as follows:

"LAWS OF THE STATE OF NORTH CAROLINA,
Published according to Act of Assembly, by
JAMES IREDELL,

now one of the Associate Justices of the Supreme Court
of the United States.

EDENTON;

Printed by Hodge & Willis, printers to the State of North Carolina,
M, DCC, XCI."

This book, giving in full the more important "Acts of the Assembly" of North Carolina from 1714 to 1791, has, I repeat, interested me greatly, and it is, perhaps, not unnatural to assume that it would be of interest to other North Carolinians. And while there are other copies of the book extant, the number is so very small as to make it practically out of the question for five BOOKLET readers in a hundred to learn directly from it the nature of our eighteenth century statutes. A summary of its more notable features therefore may be not wholly without merit.

The book, as I have suggested, does not give in full all the laws passed from 1714 to 1791; this, of course, would be impossible in a work of 700 pages. The careful threshing of Judge Iredell eliminated nearly all the laws obsolete in 1791 or repealed before that time, and all the private Acts of the Assembly. Of these acts only the titles are given, followed by the word "obsolete" or "private" or the date of repeal. It is to this manner of sifting that the elimination of many of the laws of the 1714-1715 Assembly is due, or as the book has it:

"Laws of North Carolina. Anno Regni Georgii I, Regis Magnæ Britanniae, Franciæ and Hiberniæ, Secundo. At a General Biennial Assembly, held at the house of Captain Richard Sanderson, at Little River, begun the 17th day of November, 1714, and continued by several adjournments, until the 19th day of January, 1715."

Among the acts marked "obsolete" we note the first, "An Act Concerning Marriages"; the fourth, "An Act Prohibiting Strangers Trading with the Indians" and the sixth, "An Act Exempting New-comers from Paying Levies for One Year." Chapter 7, "An Act for the Better Observing the Lord's Day, Called Sunday, the 30th of January, the 29th of May, and the 22d of September; and also for the Suppressing Prophaneness, Immorality and Divers Other Vicious and Enormous Sins," was repealed in 1741, and only the title is here given; this is also true of chapter 8, "An Act for Establishing the Church, and Appointing Select Vestries." It is also interesting to note that the ninth act was one "for Liberty of Conscience" and for accepting the affirmation of Quakers, and that the tenth, "An Act Relating to the Biennial and other Assemblies; and regulating Elections and Members," was "repealed by His Majesty's order."

But of course we can not go through the book in this haphazard fashion, noting on page after page the things that most impress us. Instead let us take up some of the sub-

jects most likely to interest the reader. For my part I have searched out with especial zest all the legislation bearing on those three extinct classes of our population—slaves, Indians and Tories—and it is of the legislation affecting these that the editors of the BOOKLET have kindly asked me to write. It will, perhaps, be just as well to consider first the statutes regarding slaves and slavery.

I.—LEGISLATION REGARDING SLAVES AND SERVANTS.

The first statute regarding servants and slaves that I have noticed is chapter 24 of the Acts of the Assembly of 1741, which met at Edenton. The first section of this act declares that “no person whatsoever, being a Christian or of Christian parentage * * * imported or brought into this Province, shall be deemed a servant for any term of years” unless by indenture or agreement. This is followed by other regulations regarding “Christian servants.” If disobedient or unruly, they might be carried before a justice of the peace and sentenced to not more than 21 lashes; if they ran away and were recaptured, they were to serve double the time so lost. This law also provided that if any person should “presume to whip a Christian servant naked,” without an order from a magistrate, such person should forfeit 40 shillings, proclamation money, to the party injured. Servants might carry complaints to magistrates who might bind masters or mistresses “to answer complaint at the next county court.” If any master discharged a servant while sick, before the servant’s term of service expired, the county court was to levy on the master for enough to enable the church wardens of the parish to care for the sick servant until death or recovery. If he recovered, the servant was free. Free persons, for minor offenses, were punished by fine, servants by whipping, not exceeding 39 lashes. Free persons trading with slaves were fined “treble the value traded for,” or if

unable to pay this, themselves sold as servants. Any free person brought over as a slave could recover twice his value and compel his abductor to return him to his own country.

Runaway slaves, acknowledging no owner, were committed to jail and advertised for two months; then, if the owner did not appear, hired out by the authorities. An iron collar was put about the necks of all slaves so sold.

Masters could designate one slave on each plantation to carry a gun. No other slave was permitted to carry any kind of weapon. Only slaves wearing liveries were permitted to leave the plantations without passes. No slave was allowed, "on any pretense whatsoever to raise any horses, cattle or hogs." Runaway slaves could be outlawed.

Negroes, mulattoes or Indians, giving false testimony in courts, were severely punished:

"Every such offender * * * shall have one ear nailed to the pillory, and there stand for the space of one hour, and the said ear to be cut off, and thereafter the other ear nailed in like manner, and cut off at the expiration of one other hour."

The offender might also be sentenced to "thirty-nine lashes, well laid on, on his or her bare back, at the common whipping post."

No slave could be set free except for meritorious service, "judged and allowed by the county court." Any "negro, mulatto or Indian slave, otherwise set free" could be taken up and sold by the Church wardens, and the money applied to the use of the parish. (Speaking of Indian slaves, it would be interesting to know how many of this class there were.)

During the Revolutionary War it was asserted that Tories liberated slaves and turned them loose for the purpose of disturbing the peace, so that in this period emancipation was made more difficult than before. No one could free slaves except for meritorious service and by express permission of

the county court. Slaves otherwise emancipated were turned over to the sheriff and sold to the highest bidder, the person delivering them to the sheriff getting one-fifth of the selling price. The 1777 statute says that "the evil and pernicious practice of freeing slaves in this State ought at this critical and alarming time to be guarded against by every friend and well-wisher to his country."

The Assembly of 1779 went even further, since many negroes were "going at large to the terror of the good people of the State," and directed that all slaves liberated before the passage of the act of 1777 could be taken up and sold in the same manner as those liberated after its passage. This law—which, by the way, seems to me to savor strongly of the *ex post facto* principle—has this interesting proviso: "Provided, that nothing herein contained shall deprive of liberty any slave, who having been liberated, and not sold by order of any court, has enlisted into the service of this or the United States previous to the passing of this act." It may surprise some readers to learn of negroes fighting in the Revolution, but there are records of pensions paid black Revolutionary soldiers yet to be seen in the State Treasury Department.

The General Assembly of 1753, which met at New Bern, amended the law of 1741 so as to prohibit any slave carrying a gun unless the master gave bond for the slave's good behavior, and even then no slave could carry a gun after the housing of the corn crop, and not more than one slave on each plantation in crop season. Slaves discovered hunting with dogs could be whipped, not exceeding thirty lashes.

The Assembly of 1774 passed an important statute setting forth the penalty for killing slaves. For the first offense, the guilty man or woman was to suffer one year's imprisonment; for the second offense, the death penalty was prescribed. This act did not apply in the case of outlawed or

rebellious slaves or slaves "dying under moderate correction."*

A peculiar statute is that of 1777 making it unlawful for any slave in Halifax, Northampton, Bute, Granville, Edgecombe or Wake, to grow any tobacco for his own use. The next session of the Assembly, which first met at New Bern and then at Halifax, passed a rigorous law against slave stealers. The death penalty was prescribed for all such criminals and for all persons carrying free negroes out of the State for the purpose of selling them into slavery.

Chapter 5 of the Laws of 1786 recites that "the importation of slaves into this State is productive of evil consequences, and highly impolitic"; it, therefore, imposes the following import duties on all slaves brought into the State whether by land or water:

Negroes under 7 and over 40 years of age, 50 shillings; between 7 and 12, or between 30 and 40, 5 pounds; between 12 and 30 years, 10 pounds. Slaves imported directly from Africa, whatever their age, were subject to a tax of five pounds each. The sixth section of this chapter also provides that "every person who shall introduce into this State any slave or slaves" from any of the free States should "enter

*It is interesting to observe, by the way, that this Assembly of 1774 is the last whose acts are introduced by Latin references to George III. Its acts begin: "Anno Regni Georgii III, Regis Magnæ Britanniae, Franciæ, and Hiberniæ, Decimo Quarto. At an Assembly begun and held at New Bern the 20th day of March in the fourteenth year of the reign of our Sovereign Lord George the Third, by the grace of God of Great Britain, France and Ireland, King, Defender of the Faith, etc., and in the year of our Lord," etc.

How very differently reads the introduction to the very next section of this book: "A Declaration of Rights. At a Congress of Representatives of the Freemen of the State of North Carolina, assembled at Halifax the 17th day of December, in the year of our Lord One Thousand Seven Hundred and Seventy-six, for the purpose of establishing a constitution or form of government for the said State."

into bond with sufficient surety in the sum of fifty pounds, current money, for each slave, for the removing of such slave or slaves" to the State from whence they were brought, within three months thereafter.

It is also set forth in chapter 17 of the Acts of 1786 that "many persons by cruel treatment of their slaves, cause them to commit crimes for which many of the said slaves are executed, whereby a very burdensome debt is unjustly imposed on the good citizens of the State; for remedy whereof" all former laws providing for reimbursing masters of executed slaves at the public expense were repealed.

The next year (1787) an act was passed making it unlawful for any negro or mulatto to "entertain any slave in his or her house during the Sabbath or in the night between sunset and sunrise" on penalty of 20 shillings for the first offense and 40 for each subsequent offense.

In 1788 it was found necessary to enact a more stringent law against trading with slaves. All free persons trading with any slave without written permission from the master specifying the articles in question, were to be fined ten pounds for each offense. Slaves selling articles without permission were to be reported to the justice of the peace and given not over thirty-nine lashes.

II.—LEGISLATION AFFECTING THE INDIANS.

Let us next take up the laws regarding the Indians. Many of these, of course, were obsolete when Judge Iredell made his collection of laws, and are, therefore, excluded from the book. It is very creditable to our ancestors that the first Indian law of special note, that on page 119 (Laws of 1748), is "An act for ascertaining the bounds of a certain tract of land formerly laid out by treaty to the use of the Tuskarora Indians, so long as they or any of them shall occupy and live upon the same; and to prevent any person or persons

taking up lands, or settling within the said bounds, by pretense of any purchase or purchases made, or that shall be made from the said Indians"—"it being but just," as the preamble says, "that the ancient inhabitants of this province shall have and enjoy a quiet and convenient dwelling place in this their native country."

But the next law regarding Indians, passed in 1760, is of very different tenor. It was adopted near the end of the great French and Indian War, and is of sufficient importance to justify the republication in full of the two most striking sections:

"13. And for the greater encouragement of such persons as shall enlist voluntarily to serve the said companies, and other inhabitants of this province who shall undertake any expedition against the Cherokees and other Indians in alliance with the French; be it further enacted by the authority aforesaid, that each of the said Indians who shall be taken a captive during the present war by any person as aforesaid, shall, and is hereby declared to be a slave, and the absolute right and property of who shall be the captor of such Indians. * * * And if any person or persons, inhabitant or inhabitants of this province not in actual pay, shall kill an enemy Indian or Indians, he or they shall have and receive ten pounds for each and every Indian he or they shall so kill, and any person or persons who shall be in the actual pay of this province, shall have and receive five pounds for every enemy Indian or Indians he or they shall so kill, to be paid out of the Treasury, any law, usage, or custom to the contrary notwithstanding.

"14. *Provided, always*, that any person claiming the said reward, before he be allowed or paid the same, shall produce to the Assembly the scalp of every Indian so killed, and make oath or otherwise prove that he was the person who killed, or was present at the killing, of the Indian whose scalp shall be so produced. * * * And as a further encouragement, shall also have and keep to his or their own use or uses all plunder taken out of the possession of any enemy Indian or Indians, or within twenty miles of any of the Cherokee towns, or any Indian town at war with any of his Majesty's subjects."

Two thousand pounds was appropriated for the purchase of Indian scalps in the manner indicated in this statute.

In 1778 it appeared that "divers avaricious and ill-disposed persons" had been defrauding and abusing the Chero-

kees and stirring up much bad feeling, and a law was passed making it unlawful to trade with this tribe of Indians without license, or to trespass on their grounds. The penalty for violation was a fine of 500 pounds; failing to pay this, says the law, the offender "shall stand in the pillory two hours, and receive thirty-nine lashes upon his bare back, and shall stand committed to the gaol of the district until such sums shall be completely discharged and paid."

The first law passed at the session of 1786, held at Fayetteville, was one providing defense against Indians for the citizens of Davidson County, "frequent acts of hostility rendering it necessary that some measures be taken for their protection." A company of 201 men was to be raised and to stay in service two years, unless sooner disbanded by the Legislature. I think, however, that this Davidson County was in what is now Tennessee, as the Davidson County now existing was not formed until 1822.

III.—HOW THE TORIES WERE TREATED.

And now let us consider some of the Revolutionary and post-Revolutionary laws regarding Tories. Immediately after framing the Constitution, the Halifax Congress of 1776 adopted an ordinance requiring all citizens to take the oath of allegiance to the State, the "whereas" being as follows:

*"Whereas, divers persons within this State have been in actual arms against the liberties of the United States of America, or have adhered to the King and Parliament of Great Britain against the same, * * * with design to weaken and obstruct the necessary efforts of the said States against the wrongs and hostilities of the said King and Parliament of Great Britain; and it being hoped that such persons are now become sensible of the wickedness and folly of endeavoring to subject their country to misery and slavery, and are penitent for the same—"*

free pardon and protection were to be granted all persons taking oath to bear true allegiance to the State and to "do no act willingly whereby the independence of the said State may be destroyed or injured."

All persons refusing or neglecting to take this oath within ninety days from that date "shall be and are hereby declared incapable of bringing any suit or action, real, personal or mixed, before any court, judge or magistrate within this State; or being sued, plead or make defense; or of prosecuting any indictment; or of purchasing or transferring any lands, tenements, or hereditaments, the same shall be and are hereby declared to be forfeited to this State, being first found by inquest of a jury."

Nor was the General Assembly which met at New Bern in April, 1777, in a mood to deal lightly with those who stood in the way of American independence. The anti-Tory laws were almost Draconian in their severity. "Every inhabitant of the State owes and shall pay allegiance to the State of North Carolina." The second section continues, redundant words and phrases omitted:

"And if any person residing within this State * * * shall take commission from the King of Great Britain: or knowingly and willingly aid or assist any enemies at open war against this State, or against the United States of America, by joining their armies, or by enlisting or procuring or persuading others to enlist for that purpose, or by furnishing such enemies with arms, ammunition, provision, or any other article for their aid or comfort, * * * he shall be adjudged guilty of high treason, and shall suffer death without the benefit of clergy, and his or her estate shall be forfeited to the State. *Provided*, that the judge may appropriate so much of the traitor's estate as may appear sufficient for the support of his or her family."

By the third section of the act, imprisonment during the war and confiscation of half his property is prescribed as the punishment for any person who "shall convey intelligence to the enemies of this State, or speak publicly against our public defense, or excite the people against the government of this State, or persuade them to return to a dependence on the Crown of Great Britain, or maliciously discourage the people from enlisting into the service of the State, or dis-

pose the people to favor the enemy, or endeavor to prevent the measures carrying on in support of freedom."

All late officers of the King, and all persons who had "traded immediately to Great Britain or Ireland" were to give up North Carolina citizenship or abjure allegiance to England. Failing to depart they could be shipped at their own expense to Europe or the West Indies, not to return on pain of death.

When the Assembly met again in November of the same year, the ardor of the members had in no wise cooled. They divided the counties into districts, in each of which a magistrate was to administer the oath of allegiance to "all free male persons above 16 years of age," who had resided for one week or longer in that district. Names of persons refusing to take the oath were to be listed, and they were to be dealt with in the manner noted in the last paragraph regarding officers and traders refusing to take the oath.

A few weeks later the Assembly of 1777 took another step forward and declared the forfeiture to the State of all property belonging to any person who had left the State or "attached himself to or aided or abetted the enemies of the United States," unless such person should appear before the 1778 Assembly and be by it restored to citizenship. That Assembly, which met in New Bern, proceeded to put into effect the act of its predecessors and appointed commissioners to sell the confiscated property. The second chapter of the 1779 legislation names a number of those whose estates were confiscated in accordance with this act, among the names being William Tryon, Josiah Martin, Sir Nathaniel Duckinfield, Edmund Fanning, Thomas MacKnight, and many others.

Very naturally these confiscation laws excited the greed and strengthened the audacity of the baser sort of Whigs, and it is not surprising to find the 1780 Assembly acknowledg-

ing that "many acts of violence and barbarity have been lately committed under pretense of seizing the property of disaffected persons, these unwarrantable depredations being carried so far as to deprive some poor persons of house and kitchen utensils and wearing apparel, and many persons have unlawfully seized upon and carried away negro slaves, and other valuable effects [for] their own use, and slaves * * * conveyed to distant parts, or publicly sold in violation of law and justice." To remedy this, the Assembly again directed that while the property of all persons who had then or should thereafter join the Royalists, should be confiscated, only the sheriff or confiscation commissioner should take possession of property by virtue of this act; others seizing property should repay the owners three-fold.

The sixth section of the act also recites that evil-disposed persons, under pretense of distressing Royalists, had been plundering South Carolinians indiscriminately. The sheriff was directed to seize all such property, returning that belonging to American sympathizers, and selling all belonging to Tories. The seventh section, curiously enough, exempted from taxation for that year all refugees from Georgia.

This Hillsboro Assembly of 1780 also suspended the sale of confiscated property, the reason assigned being that the nearness of the British army (and the consequent gloomy outlook for independence) caused the property to sell at much less than its true value. The sales were revived next year.

* * *

Peace came at last, however, and the Assembly of 1783, recognizing the fact that "it is the policy of all wise States, on the termination of civil wars, to grant an act of pardon and oblivion for past offenses," directed that "all manner of treasons, misprision of treasons, felony or misdemeanor committed or done since July 4, 1776, by any person or per-

sons whatsoever, be pardoned, released, and put in total oblivion." Only officers in the King's army, Tories then out of the State, persons who had committed capital crimes, and those especially offensive Tories singled out by name—Peter Mallette, David Fanning and Samuel Andrews—were excepted from the provisions of this act. Both by the letter of its statute and the spirit of its people, North Carolina resolved to forget the bitterness (but not the heroic deeds) of a struggle in which, as in all great wars by men of our blood, the main body in each side had fought "for the right as God gave them to see the right."

With that same broad spirit of tolerance, therefore, which caused our people in the first chapter of our book to provide "for liberty of Conscience," we leave them in this last quotation, forgetting and forgiving (even so early as 1783) those with whom they had differed in "the late unpleasantness" and setting to work, all together, for the upbuilding of the State. Thus North Carolina entered upon a long period of healthy and untroubled development, while defeated England, with a like tolerance, came to find pride in the heroism of the men she had once faced in deadly conflict, Lord Tenyson speaking both for and to the nation when he wrote:

"O thou that sendest out the man,
To rule by land or sea,
Strong mother of a lion-line,
Be proud of those strong sons of thine,
Who wrenched their rights from thee!"

THOMAS PERSON. *

BY STEPHEN B. WEEKS.

The Person family represents one unit in that great English voelkerwanderung which began from the older American colonies almost before they were themselves out of swaddling clothes and has gained more and more force as newer settlements grew in strength until it has over-run and conquered the American continent for the men of Anglo-Saxon blood. Virginia had been planted little more than a generation when hardy pioneers pushed out from her settled centers and in the wilderness of Carolina carved out new homes for themselves, redeeming them from the wilderness and the savage. These frontiersmen in their turn sent others to the new and fertile lands of the old Southwest and old Northwest, and these have again sent out conquering hosts to the shores of the calm Pacific and to the naked plains and savage mountains of the arid mid-region. Thus it follows that the real F. F. V.'s are found as often in the far West, in the old Southwest or in Carolina as in Virginia herself.

The Person family was one of those which thus left Virginia with that great migration that swept over her southern border for a hundred years after the first settling of North Carolina. It had been settled in Brunswick County, Va., and had for its neighbors the Mangums, who were soon to follow it to North Carolina. I find in the Quaker records of southeastern Virginia a John Persons, the son of John Persons (who spelled his name Passons), marrying Mary Patridg on the tenth of the first month, 1691/2. I have no records to prove my supposition, but it is possible that these two Quakers, father and son, were the immediate ancestors

*Reprinted by permission of Chas. L. VanNoppen, publisher, from the seventh volume of the Biographical History of North Carolina.

of that William Person who was the head of the family at the time of its coming into Halifax County, N. C., about 1740. William Person (born 1700, died November 11, 1778) took up land in Halifax, but seems to have soon passed on into what is now Granville, for on its organization as a separate county, in 1746, he became its first sheriff, an office which he filled for a number of years. He was often a justice of the peace, a county commissioner, a vestryman, and in general a man of prominence and a leader in his county. He married Ann ———, and his son, Thomas Person, commonly known as General Person, and whose name in his own day was indifferently written and pronounced Person, Persons, Parson, Parsons, and Passons, was born January 19, 1733, probably in Brunswick County, Va. He grew up in Granville County, N. C., and there his life was spent. He began life as a surveyor for Lord Granville, was noted for the accuracy of his surveys and the faithfulness of his work generally, and as his work made him acquainted with the best lands, he thus accumulated a handsome estate. In 1788 he listed for taxation 82,358 acres, lying in Halifax, Warren, Franklin, Orange, Caswell, Guilford, Rockingham, Anson, and Wake counties, N. C., and in Davidson, Sumner and Greene counties, Tenn. (State Rec., Vol. XXVI, 1275).

The first definite record of his appearance in public life is on July 6, 1756, when he was recommended as a justice of the peace for Granville (Col. Rec., Vol. V, 592). In 1762 he was sheriff of that county (*ibid.*, VI, 895). His appearance in the Assembly was at the October session, 1764, as the representative of Granville, and he won even in this his first service sufficient recognition to give him a place on the committee to settle the public accounts (VI, 1222). He was not again in the Assembly so far as I have been able to

learn until November session, 1768, and October session, 1769, when he again served on the Committee on Public Accounts and on that of Privileges and Elections. It was during this last session that his connection with the Regulators began to have its influence on his fortunes.

The "Regulation" was one of a series of efforts made by the people of North Carolina at various times to secure a redress of grievances. It began as early as 1759 with the Enfield riots, which were directed against the land officers of Lord Granville. A little later extortion began to grow up among the county officers in various sections of the province. Because of the lavish expenditure of Tryon's government, provincial taxes were high, and, being levied on the poll, bore unduly on the poor and thinly settled communities of the middle section. In 1765 discontent became acute, and was manifest as far east as Pasquotank. It broke into violence in the present counties of Granville, Orange, Alamance, Guilford, Rockingham, Surry, Chatham, Randolph, Rowan, Davidson, Anson, Cabarrus, Mecklenburg and Iredell. The discontented element called themselves "Regulators." Under the leadership of Husband, Howell, Hunter, Butler and others they published numerous addresses on the condition of affairs. The organization gained headway. Its purpose was to "regulate" the grievances of which they complained; these were excessive taxes, dishonest sheriffs and extortionate fees. Their agreement, or articles of association, show that their purpose was peaceful in character and that they were willing to pay legal taxes and legal fees. They petitioned the government often for redress. This was often promised but never granted. This failure to receive the redress asked no doubt irritated many and led them to commit indefensible acts of license and violence. A rupture was narrowly averted in 1768, and in September, 1770, occurred the riots in Hillsboro when Fanning, John Williams, Thomas Hart and others

were beaten, property destroyed and the court insulted and broken up.

In the Assembly of 1769 John Ashe, of New Hanover, had reported that Thomas Person, the member for Granville, was frequently charged with perjury (Col. Rec., VIII, 118). He was tried at December session, 1770, after the Hillsboro riots, for perjury and extorting illegal fees, and there came before the Assembly to prosecute that same Richard Henderson whose court had been insulted and broken up. The committee of investigation, through John Campbell, its chairman, reported that "there is not any one of the charges or allegations * * * in any manner supported," but that they were exhibited "through malice and envy, with design to injure the character and reputation of the said Thomas Person," and it was ordered that this report be published in the newspaper of the day (VIII, 448, 449, 461). Henderson, the prosecutor, was thereupon mulcted in the costs (VIII, 467), which he failed to pay (IX, 717, 718). Tryon claimed that the resolution to put the costs on Henderson was clapped up by Person's friends; at any rate, that resolution was repealed at the next session (IX, 196).

In an anonymous letter printed in the Colonial Records (VIII, 643 *et seq.*) it is said that Person was expelled from this session of Assembly:

"After this the General Assembly of the province was called, and an election ensued, at which Herman Husband and Thomas Parsons were chosen by the country party as members of the house; their enemy, Fanning, was also chosen. When the house met their first step was to expel Husband and Parsons from their seats; Husband they sent to jail; Parsons, home. They then passed a Riot Act, the substance of which was that any person or persons being guilty of any riot, either before or after the publication of this act, within the jurisdiction of any court within this province, shall and may be indicted, and when so indicted shall appear and stand trial before the expiration of sixty days; and in case he, she, or they do not appear, noticed or not noticed, within the term aforesaid, they shall and are hereby declared to be outlawed, and shall suffer death without benefit of clergy, etc., and his lands, goods and chattels confiscated and sold at the end of eight days."

This letter was no doubt the work of Rednap Howell, one of the Regulation leaders, as it is from "a gentleman in North Carolina to his friend in New Jersey," and Howell came from that State to North Carolina. The statements made in other parts of the letter seem to be essentially correct, but I confess that I am unable to reconcile this expulsion of Person with the favorable report which was made in his behalf to this same Aisembly, and with his appearance again as a member of the same Assembly at its session in November, 1771.

But the Assembly of 1770-71 did pass a Riot Act which anticipated some of the essential features of the "five intolerable acts" of the British Parliament of 1774. It was so brutal, so tyrannical and subversive of all liberty of the subject that it was condemned even by the English Government as "irreconcilable with the principles of the constitution, full of danger in its operation and unfit for any part of the British Empire." But in the meantime this act, more commonly known as the Johnston Act, from its author, was put into execution against the Regulators, and goaded them to further resistance. Tryon collected an army from the eastern counties, although in many sections the spirit of resistance was almost as pronounced as in the Regulation country. On May 16, 1771, with his army of 1100 men, organized, trained and armed, Tryon came up with some 2000 Regulators at Alamance Creek, now in Alamance County. The Regulators were unorganized, without officers, untrained and in part unarmed. There was much parleying, the Regulators even to the last petitioning for redress. Tryon forced a battle, defeated the Regulators, took some prisoners, and with more than Jeffreys' bloodthirstiness hanged James Few on the field. Six others were hanged a month later, after having received the form of a legal trial.

Person's service to the Regulation was evidently in the

council, not in the field, for he was not present at the Alamance battle, and it does not clearly appear in what form his service was rendered beyond that he was a member of their committee to whom the people were to give in their claims for overcharges which the officers guilty of extortion, under the pressure of popular indignation, had agreed to refund. The committee was to have met for this purpose on May 3, 1771, but it is probable that events were then moving too fast for peaceful methods (Col. Rec. VIII, 521, 535; Caruthers' "Caldwell," 143). But it is certain that Tryon recognized Person as a leader in this movement and did him the immortal honor to include him in the list of those excepted from the benefit of pardon. Tryon's exceptions included the four leaders who had been outlawed, Husband, Howell, Hunter and Butler, the prisoners, the young men who blew up Waddell's ammunition train, and sixteen others mentioned by name, of whom Person is the last (Col. Rec., VIII, 618).

How Person escaped trial and further punishment for treason and how he secured his release do not clearly appear, although tradition says it was through the personal friendship between him and Edmund Fanning (*ex rel.* Peter M. Wilson). Tradition says also that by permission of his jailer Person made an all night ride to his home at Goshen to see or destroy certain incriminating papers there, and returned to jail before the break of day. It is said that Tryon's troops visited his home looking for plunder as well as papers, but found nothing, and this failure may have forced his release (Col. Rec., VIII, xxvii).

It is usually said that the Regulators were Tories in the Revolution. It is certain that few of them were enthusiastic supporters of the Whig principles of 1776. But it is hardly reasonable to expect this much of them. They were mostly simple, honest, ignorant men who had grown restless under official oppression; they had been defeated and forced to take

an oath to the king by the very men who in 1776 sought to make them break the oath taken in 1771. In that struggle the Regulators for the most part maintained a sullen neutrality. Unlike their sympathizers of that day, Caldwell and Person, they were unable to see that the principles of 1776 were but those of 1771 writ large; that official oppression was the same, whether exercised by petty despots at their doors or by high lords and Parliament over sea; and that the Johnston Act of 1770 was but the prototype of the five intolerable acts of the British Parliament of 1774, which set all America aflame.

But the Regulators were not allowed to go their way in peace. Numerous efforts were made to win them to the cause of independence, and to these efforts Person lent his influence. The Hillsboro Convention of 1775 appointed him member of a committee to confer with such of the inhabitants of the province "who entertain any religious or political scruples with respect to associating in the common cause of America, to remove any ill impressions that have been made upon them by the artful devices of the enemies of America, and to induce them, by argument and persuasion, heartily to unite with us for the protection of the constitutional rights and privileges thereof" (X, 169).

Again, the Council of Safety, on August 3, 1776, resolved that General Person and Mr. Joseph John Williams "do each of them agree with a proper person for the purpose of instructing the inhabitants of Anson County and other the western parts of this colony in their duty to Almighty God, and for explaining to them the justice and necessity of the measures pursued by the United States of America" (X, 693).

But that the Provincial Convention of 1775 knew little of the character of the Regulators in particular, or of human nature in general, is shown by their making Richard Caswell,

Maurice Moore and Henry Pattillo members of this committee to win them to the American cause. Nothing shows more clearly the greatness of Thomas Person than his participation in the Regulation and his subsequent part in the Revolution. Other Regulators, by reason of narrowness of vision, or from personal spite, or from littleness, might hang back or even join the Tory interests, to which they were invited and urged by the successor of the brutal Tryon, but not Person. As Colonel Saunders has well said, the most ardent friend of the Regulation might be willing to stake the reputation of the cause on the character of Thomas Person, Church of England man though he was, friend of education, wealthy if not aristocratic, patriot and democrat of democrats.

Person was again in the Assembly in November, 1771, in January and December, 1773, March, 1774, and April, 1775. Although he was a commissioner on public buildings in Hillsboro district in 1771, he seems nevertheless to have suffered somewhat from his participation in the popular uprising; but as time passed on and efforts were made by Martin to quiet the feelings of the Regulators, Person comes more and more into prominence, and by sheer weight of character made himself a necessity to the colony.

As the struggle with Great Britain drew on he became one of the foremost advocates of separation. On February 12, 1776, he writes to his father of the "advocates of liberty" (X, 450); on the 14th, his friend, Penn, a neighbor, citizen of the same county, possibly a sympathizer with the Regulators, now in the Continental Congress, perhaps in great measure through his influence, surveys the situation and writes: "Matters are drawing to a crisis. They seem determined to persevere and are forming alliances against us. Must we not do something of the like nature? * * * The consequence of making alliances is perhaps a total separation from Britain" (X, 456). This letter was received, perhaps, about March

1st. On the 3d the Provincial Council, of which Person was a member, ordered the next session of the Provincial Congress to be held at Halifax on April 2d. The delegates met on April 4th; on the 8th, Harnett, Allen Jones, Burke, Abner Nash, John Kinchen, Person and Thomas Jones were appointed a committee to take into consideration "the usurpations and violences attempted and committed by the king and Parliament of Britain against America, and the further measures to be taken for frustrating the same and for the better defense of this province" (Col. Rec., X, xvii-xviii, 504); on the 12th, the committee brought in a resolution empowering the delegates from North Carolina in the Continental Congress "to concur with the delegates of the other colonies in declaring independency, and forming foreign alliances."

And thus on April 12, 1776, North Carolina became the first of the colonies to make a formal proposal for a declaration of independence.

Was not this proposal as much or more the work of Thomas Person than of any other man? Perhaps we shall never find evidence that will settle this point beyond dispute, but no student of our history will dare claim that such an honor could belong by right of work done to any other man more than to Person or that any other citizen of our State was more worthy of this great and signal honor.

Person was a member of all the provincial conventions and congresses which took the place of the Assembly and of the governor from 1774 to 1776.

1. New Bern, August 25-27, 1774 (C. R., IX, 1042).
 2. New Bern, April 3-7, 1775 (C. R., IX, 1179).
 3. Hillsboro, August 20 to September 10, 1775 (X, 164.)
 4. Halifax, April 4 to May 14, 1776 (X, 499).
 5. Halifax, November 12 to December 23, 1776 (X, 914).
- He served on their important committees and in the last

was on the committees which drafted the Bill of Rights and the Constitution. So satisfactory was the latter to the people of North Carolina that it remained in force for fifty-nine years without change; of the Declaration of Rights it is sufficient to say that of its twelve clauses for the protection of individual rights eleven were embodied in the first ten amendments to the Constitution of the United States (Col. Rec., X, xxiii, xxv).

He had been chosen a member of the Provincial Council, September 9, 1775 (X, 214). This body was the executive head of the State and had Samuel Johnston as a member. Johnston and Allen Jones represented the more conservative element. They favored a strong government, a sort of representative Republicanism, modeled on Great Britain. The more progressive or radical wing, led by Willie Jones and Person, favored a simpler government and one more directly responsible to the people. The Provincial Council under the influence of the conservatives was slow, while the mass of the congress was with the radicals. As a result for the Provincial Council was substituted a Council of Safety, Person still a member (X, 581), with no practical change in its functions further than in name; but with the radical Willie Jones as the representative of the congress, instead of the conservative Johnston who was not a member.

On April 22, 1776, Person was elected brigadier general of the militia of Hillsboro district (X, 530) and was succeeded in this office in 1777 by John Butler. This was not the time when to be a militia general meant ease and quiet. It meant work, the raising of troops for active service, drilling, collecting supplies and actual fighting in suppression of Tory marauders. It was no sinecure, but Person was never, so far as I know, in actual battle. His service to the State, like that to the Regulators, was in the cabinet, not on the field.

He was made by the last Provincial Congress a justice of the peace for Granville (XXIII, 993) and a member of the Council of State (X, 1013), his fellow-councilors being William Dry, William Haywood, Edward Starkey, Joseph Leech and Thomas Eaton. He was nominated for the same office in 1781, but failed of election (XVII, 810, 894), and again in 1789, but at the latter period asked to have his name withdrawn (XXI, 389, 390, 704). In May, 1782, he was nominated for the Continental Congress but failed of election (XVI, 90; XIX, 57); on May 11, 1784, he was elected to the Continental Congress, but it was a time when there was more expense and labor in being a member of the congress than money and honor. Person never took his seat and his name nowhere appears in the list of North Carolina Congressmen (XVII, 79, 139, 143; XIX, 583).

In January, 1787, he was elected along with William Green and Matthew Locke chief commissioner for receiving the certificates of the Board of Commissioners of Army Accounts (XVIII, 451, 459). It was their duty to receive and correct the proceedings of the commissioners appointed to settle the accounts of the North Carolina troops in the Continental Line (XX, 630; XXI, 551) and thus bring to a final settlement the accounts of North Carolina with the United States. It was a delicate duty and one requiring the highest degree of honesty. Many frauds had been committed in the preparation of these accounts. These were discovered and were followed by a long investigation, the trial and punishment of the guilty parties (State Rec., XVII and XVIII, *passim*; McRee's "Iredell," II, 155-6).

One of Person's most important services to the State was as a leader of the anti-Federal party in the convention of 1788; but before proceeding to discuss that convention, which was called to consider the Federal constitution, it is necessary to review briefly the alignment of political parties. From

1776 there were two clearly defined parties in the State. They were a unit as to resistance to the aggressions of Great Britain, but in domestic matters the lines of party cleavage were sharply defined. One party we may call the Conservative; it was strongest in the east; was led by Johnston, Iredell, Hooper, Maclaine. It was aristocratic and wealthy, stood for the slaveholding, commercial and mercantile interests; it preferred a strong central government and was slow to advocate democracy. The other party we may call Radical. It was stronger in the north and west. It was nearer the soil and the people. Its leaders were Willie Jones, Person, the Bloodworths, Spencer, Locke, Sharpe, Rutherford, and others. They were ultra-democratic, even radical in their tendencies and ardent advocates from the first of an extremely democratic government. The struggle began in the first Halifax congress, April, 1776, or earlier, and was won by the Radicals as is shown by the substitution of the Council of Safety for the Provincial Council. The question of the new constitution also developed differences and the April congress deferred its adoption to a later congress to be elected for that particular purpose out of deference to the wishes of the minority. Johnston stood as a candidate for this congress from Chowan County and was defeated (McRee's "Iredell," I, 238, 281) and this left him sulking in his tent. He refused to serve as treasurer and Iredell bitterly resented his defeat by writing his "Creed of a Rioter" (McRee, I, 335-336); Iredell later resigned as attorney-general and Hooper left the Continental Congress. But the Radicals were liberal and patient and kept many of the Conservatives in office as the price of their support (*cf.* Dodd's "Macon," 30; and Saunders, Pref. Notes, Col. Rec., X).

In 1780-81, as the tide of war surged into North Carolina and went against her, the Conservatives grew in numbers and power; after the war ended they championed the Tory in-

terests and continued to grow. Johnston was their perennial candidate for governor, but Caswell was agreed on as a sort of compromise. When the time for considering the Federal constitution drew near each exerted itself to the utmost to win control of the convention. The Radicals, whom we may now call Anti-Federalists and who became the nucleus of the first Republican party, demanded: (1) A free and absolutely independent state, for a few years at least; (2) a genuinely democratic administration; (3) a general improvement in educational advantages for the people. In accord with the last of these demands the State actually entered on a plan of public improvements which anticipated that urged in the State thirty years later by Murphey and in the Union fifty years later by Clay (Dodd, 14-90).

The Anti-Federalists won control of the convention. It met in Hillsboro, July 21, 1788. Person was a member from Granville; on his motion Samuel Johnston was made president (XXII, 6). He was himself a member of the committee on elections (XXII, 7). It is evident from the journals that he took a leading part in the business, but he does not seem to have been a frequent speaker. The first trial of strength came on August 1, when the convention considered the report of the Committee of the Whole House on a proposed Bill of Rights and certain amendments. The preamble to the report of the Committee of the Whole reads:

“RESOLVED, That a Declaration of Rights, asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most ambiguous and exceptionable parts of the said constitution of government, ought to be laid before Congress and the convention of states that shall be called for the purpose of amending the said constitution, for their consideration, previous to the ratification of the constitution aforesaid, on the part of the State of North Carolina.” (XXII, 16.)

Iredell moved that all of this report be stricken out, that the constitution be adopted and that certain amendments be

then proposed. This motion brought out the strength of the respective parties: For the motion, 84; against, 184; on August 2d, the report of the Committee of the Whole was again taken up and concurred with: yeas, 184; nays, 84.

After the Report of the Committee of the Whole was adopted Willie Jones moved:

"Whereas, this convention has thought proper neither to ratify nor reject the constitution proposed for the government of the United States; and as Congress will proceed to act under the said constitution, ten states having ratified the same, and probably lay an impost on goods imported into the said ratifying states:

"RESOLVED, That it be recommended to the legislature of this State that whenever Congress shall pass a law for collecting an impost in the states aforesaid, this State enact a law for collecting a similar impost on goods imported into this State, and appropriate the money arising therefrom to the use of Congress." (XXII, 31.)

This resolution, passed by 143 yeas to 44 nays, the Federal leaders voting in the negative, shows as clearly as words can show that the desire of Jones, Person and other Anti-Federalists was for a Federal government of limited powers and that their purpose was not to establish an independent republic as has been recently claimed by Professor Dodd (see his "Macon," p. 54), but to protect the interests of the states against the centralizing tendency which was even then clearly visible in the new constitution to those who had eyes to see. Davie reports that both Person and Jones were holding out the doctrine of opposition for four or five years at least. Jones feared the Federal judiciary and Person the Federal power to tax (McRee, II, 178, 239).

It was thus that North Carolina declined to either ratify or reject the Federal Constitution by a decided majority of 100 votes. Whether it was the wiser policy to adopt first and then ask for amendments or wait till the amendments were adopted, a child can tell. As to which of these parties could read the book of the future aright is equally easy of discernment.

Many public men in the State desired that a second Federal convention be called to revise the new constitution in the light of the criticisms upon it, and Person, along with Johnston, Iredell, Tim Bloodworth, Jos. McDowell, Sr., Dupre, Locke, Alfred Moore, Spencer and Allen Jones were chosen by the Assembly on November 24, 1788, to attend such a convention of the whole United States "should one be called" (XX, 538, 544; XXI, 94, 100). Their desire was for a constitution more in accord with the will of the Radicals and that a constitution acceptable to Bloodworth and Person would have been decentralized there can be no doubt.

The constitutional convention held in Fayetteville in November, 1789, was a small affair. The government of the United States had been organized under the constitution and was working well. The Anti-Federalists had received assurances that the substance of the amendments proposed by them would be incorporated into the constitution; eleven states had accepted the instrument and North Carolina and Rhode Island alone remained out. The convention met November 16, 1789. Willie Jones failed to be returned by his county. Johnston was again made president and Person was again on the committee on elections. The convention went into a Committee of the Whole to consider the constitution and sat three days. The Anti-Federalists moved that its report be rejected and that certain amendments be proposed. These forbade interference with the election of senators and representatives, dealt with the levying of direct taxes, the redemption of paper money by the states and the introduction of foreign troops. But the amendments were defeated by 187 nays to 82 yeas, Spencer, Caldwell, Bloodworth, Person and others voting yea (XXII, 45, 46). The convention then proceeded to adopt the constitution, 195 yeas to 77 nays. Person, true to his convictions and game to the last, voted nay (XXII, 48, 49).

On November 24, 1789, when the Federal constitution had been formally adopted, the Assembly proceeded to elect senators to Congress. Person was nominated by the house of commons, but the Federalists were in power and such radicals as Person and Bloodworth went down before Johnston and Hawkins (XXI, 253, 614). When his party again came into power in 1794-95 Person's race had been run, but he had the pleasure of seeing his radical comrades Alexander Martin and Timothy Bloodworth succeed Johnston and Hawkins.

But, after all, Thomas Person's most important and valuable service to North Carolina was not as an Anti-Federalist member of the conventions of 1788 and 1789, nor as a military man, nor as a philanthropist, but as a member of the General Assembly. There he was always active, generally a radical, always an argus-eyed guardian of the rights of the people, an advocate, ardent, insistent and constant of the interests of the masses, and consequently hated and always feared by the representatives of the aristocratic, conservative interests.

Person represented Granville County in the Assembly in the house of commons almost continuously from 1764 to 1785; he was defeated in 1786; was in the senate in 1787; again in the house in 1788, 1790, 1793, and 1794. (It is believed that the Thomas Person in the house in 1795 and 1797 was his nephew). In all, he represented his county some thirty years, a length of service which in itself is a most eloquent proof of his usefulness and of the appreciation of his people. It does not require a long or an extended examination of the legislative journals to show his prominence and usefulness. He served on the most important committees: public accounts, military matters, privileges and elections, propositions and grievances, finance, defence, depredations of Tories, location of capital, affairs of North Carolina Line,

manufacture of iron, raising regular troops and regulating commissary department, on bill of attainder, paper money, debts due to and from the public, Indian affairs, land grants, on vesting power in Continental Congress to levy duties, claims and depreciation, trial of impeachments, revenue, proposed revision of the constitution, Virginia boundary, confiscated property, etc. He was usually chairman of his committee and presented many reports to the house; in 1784 he was chairman of the whole; never seeking the honors of the house, he was an active working member, bringing in many bills, serving on many special committees, presenting many petitions and memorials from sections of the State remote from his own. It is evident, too, that he was a fighter. No form of what he thought injustice, illegality or graft could escape his quick eye or pass without a protest. Thus in 1782, on petition of O'Bryan, Duncan and Pittman, who were being held as military deserters by Sumner, he recommended that they be discharged from the Continental army (XVI, 137). In 1783 he voted against the seating of his political friend, Bloodworth, as it seemed to him illegal (XIX, 292). In 1784 he protested against the cession of Tennessee to the Federal Government (XIX, 714), and had his protests been heeded the troubles coming from the abortive state of Franklin would have been avoided. He was particularly vigorous in protest against whatever savored of injustice or class legislation. Thus in 1785 he protested against the salt tax and the uniform tax on lands because they placed undue burdens on the poor, and against the confiscation act because it was illegal, unjust and *ex post facto* (XVII, 409, 410, 419, 421).

There is plenty of evidence also that Person was a man of strong feeling and made personal enemies. Thus Mac-laine writes bitterly of his political methods, which were never to produce "his budget till he is pretty certain he has sufficient strength to support it" (XXI, 504); and when the constitution question was uppermost Thomas Iredell runs to

his brother with a tale that Person had said in substance that Washington was a damned rascal and traitor to his country, for putting his hand to such an infamous paper as the new constitution (McRee, II, 224, 225).

The feeling of the conservative and aristocratic party toward him may be seen in a letter of Johnston to Burke, dated June 26, 1777:

"The few good men, or men of understanding and business, who had inclination or intend to be either of the legislature or executive departments, are by no means sufficient to counterbalance the fools and knaves who by their low arts have worked themselves into the good graces of the populace. When I tell you that I saw with indignation such men as G—th R—d, T—s P—s—n [Griffith Rutherford and Thomas Person], and your colleague Penn, with a few others of the same stamp, principal leaders in both houses, you will not expect that anything good or great should proceed from the counsels of men of such narrow, contracted principles, supported by the most contemptible abilities." XI, 504.)

Even Caswell, with whom he had fought many battles and whose personal ambitions he had so often advanced, was not always true. He writes to Hawkins, September 29, 1786:

"I can not say it gives me great pain to hear my old friend, the general, was disappointed in the late election for Granville, or that he is much mortified at being left out, as I flatter myself his country will derive advantage from his absence from the legislature, which his jealousy prevented when present, and kept her from. However, he may yet succeed in his favorite scheme of appointing a new governor for the next year, as his pernicious opinions and false suggestions are gone forth and he very likely will still have effrontery sufficient to endeavor to support them when the governor, conscious of the rectitude of his own conduct, and his friends, careless about the matter, may take no pains to contravene his attempt. (XVIII, 751.)

From these extracts it is not hard to see that Person was not one to fawn on those in power or to ask favors of the great. It is also evident that his political life had in it much of storm and stress and that he was a man who delighted in the joy of battle. He was a man of wealth, but not penurious. During the war his property was at the service of the State. We find the State in 1781 repaying him for a loan of salt (XVII, 971, 974) and between June,

1781, and April 25, 1782, he loaned Governor Burke \$50,000 "to be replaced or paid by warrant which I did not issue" (XVI, 299). He assisted in securing the charter for the University of North Carolina in 1789 and was a member of its first board of trustees, 1789-95. But this was not all. While the University had been chartered no support had been provided for it by the State. An effort was being made to open its doors to students, but the trustees and faculty had no money. Its fortunes were at the lowest ebb. The trustees could or would do nothing in their private capacity, when Person came forward, and on April 20, 1796, gave the infant institution £500, and in April, 1797, £25 more. This sum, aggregating \$1050 in our money, was paid in silver dollars at a time when hard money was almost unattainable. The gift, for the time and section, a very large one, perhaps saved the institution and started it on a career of usefulness. Person Hall, known after 1837 as "the old chapel" and used in more recent years as a chemical laboratory, was named in his honor, and until the reopening of the University in 1875 all its diplomas were dated from Aula Personica. A street in Raleigh, another in Fayetteville, and Person County, erected in 1791, recall his name and fame.

General Person married his cousin. Tradition says her name was Johanna Philpot, of Granville (b. September 15, 1739). She died insane and without issue. He had two sisters, Martha, who married Major Thomas Taylor, of Franklin County, and Mary Ann (b. May 6, 1736), who married Major George Little, a son of Chief Justice Little, and a Revolutionary patriot of Hertford County. General Person adopted his nephew, William Person Little, who was a son of this marriage, educated him at Sprig's College, near Williamsboro, in Granville County, gave him much of his property, and it is in his honor that Littleton is named. He also had a brother, William Person (b. November 30, 1734), and a brother, Benjamin (b. February 13, 1737).

Person's family seat was at Goshen in Granville County. The sycamore trees planted by him are still standing, but in a decayed condition. He died in Franklin County, at the home of his sister, Mrs. Taylor, on November 16, 1800, (not 1799, as Wheeler says) while on his way from Raleigh to Goshen, and is buried at Personton on Hub Quarter Creek in Warren County.

The *Raleigh Register* for Tuesday, November 25, 1800, has a notice of his death and character. It is reproduced here, for it shows the esteem of his own generation.

"Died. At the house of Major Taylor, in Franklin County, on Sunday, the 16th inst., Thomas Person, of Warren, in the sixty-seventh year of his age.

"This gentleman was long a member of the General Assembly of North Carolina, as well before as since the Revolution, and at all times conducted himself in such a manner as to manifest a proper and steady regard, not only to the interests of his immediate constituents, but likewise to the welfare and happiness of the people of the State at large.

"He was a member of the first convention and of all the subsequent conventions had in this State. * * *

"He died as he lived, a firm believer and fixed Republican; and although he left no children, * * * he has raised up for himself a name which will neither be forgotten nor cease to be respected. * * *"

Archibald Henderson, a younger contemporary, congressman, and great lawyer, pronounced Person one of nature's noblemen, and Colonel William L. Saunders, a Democrat after Person's own heart, says of him: "Wherever devoted, intelligent, efficient patriotism was required, Person was promptly put on duty. * * * And to-day North Carolina bears in her bosom the bones of no purer patriot than those of Thomas Person" (Col. Rec., VIII, xxx).

Sources: Private information from representatives of the Person family for use in my "Life of Mangum"; the Colonial and State Records, *passim*, where Person's public life is fully portrayed, with many useful suggestions as to the complexion of political parties in that day from Saunders' "Prefatory Notes" and Dodd's "Life of Macon."

SKETCH OF FLORA McDONALD.

BY MRS. S. G. AYER.

Flora McDonald was the daughter of Ranald, who was the son of Angus, youngest son of Milton. She was born in Milton in island of Uist, Argyleshire, Scotland, in 1726. I have never yet learned the exact date. Her earlier years were spent in her native Uist, where she could hear the roar of Corrievrecken, and see the mountains of Currada and Skye rise in solemn grandeur toward heaven; or at her brother's home at Corrodale, where she had a commanding view of Loch Boisdale and Loch Skipport, which separate Uist from the main land and the Isle of Skye. Midst scenes of grandeur and sublimity, the earlier years of Flora passed away; but, her father having died, in a few years after Flora's mother married Hugh McDonald of Armadale, in the Isle of Skye.

Skye seems to have been more favored with schools and seminaries than other portions of the Highlands at that time and Flora having the advantage of the ancient institutions was at an early age quite well educated and was deeply imbued with a veneration for the system of clanship, and loyalty to the house of Stuart.

In her teens she was sent to Edinburgh to complete her studies and to acquire the grace and polish suited to her station in life. That she succeeded most admirably may be gathered from the way in which Dr. Johnson in his "Tour of the Hebrides" speaks of her, as a "woman of middle stature, soft features, gentle manners and elegant presence." Mr. James Banks in his "Life and Character of Flora McDonald" also says, "years ago I heard Malcomb McKay, who had been in early life a Cornet in the British Army, remark, that he had seen the Queen of England and many of her attendants,

but for grace and dignity Flora McDonald excelled all the women he ever beheld and that it was worth a day's ride to see her graceful manner of sitting or rising from a chair, that there was a perfection of ease and grace in that simple act that could be felt but not described." This sounds extravagant to a nineteenth century woman though we are all ready to admit Flora a most extraordinary woman.

Flora McDonald was related to the Clanranald branch of the family of that name, and was consequently descended from a family of heroes, whose deeds of valor had afforded themes for the immortal Ossian and whose prowess nearly prevented the removal of the Scottish capital from Dunstaffnage (Flora was imprisoned here) the palace of the ancient kings of Scotland, whence the chair of Scone was brought to crown the royal Bruce, and now forms an appendage to the regalia of Britain.

Perhaps I have said enough of the lineage, personal appearance and general characteristics of Flora McDonald. Sir Walter Scott speaks beautifully of her in "Waverly." Her loyalty to the House of Stuart is represented as the ruling passion of her life. Those who have read Waverly remember Flora McIvor. When Prince Charlie landed in Scotland and raised the royal standard on the hills of Moidart and called the chiefs of McDonald, Lochiel and Glengarry to uphold that banner, the young and enthusiastic Flora in her Highland home was heard to exclaim:

"Yes. Up with that banner.

Let forest winds fan her.

It has waved o'er the Stuarts ten ages and more;

In sport we'll attend her,

In battle defend her,

With hearts and with hands like our fathers before."

Ah! but when that banner was trailed in the dust at Cul-loden, and her prince seeking an asylum and a hiding place in the glens and mountains, over which his ancestors had so

long exercised control, when he was persecuted and hunted like a wild animal, hemmed in by the Duke of Cumberland, (victor of Culloden) as by a wall of fire on the little Island of Uist, sentinels stationed at every possible place of escape, patrols were at every ferry and at every pass, even a fleet of British cruisers had surrounded the island, false friends had deserted him, and the timid ones shrunk away in despair, a *price* was set upon his head, his enemies believed his destruction certain, men of iron nerve quailed and were unable to effect his escape. Now a woman comes to do what brave men dare not, she releases Prince Charles Edward from his island prison.

Oh, woman, in our hours of ease
Uncertain, coy and hard to please;
When pain and anguish rack the brow,
A ministering angel thou.

And truly "a ministering angel" was Flora McDonald to the poor, despairing Prince. When she was asked by Captain Neal and Lady Clanranald to help the Prince to escape she said that the McDonald (her step father's), McLeod and Campbell militia commanded every pass, the Prince was known to be on the island, a price of thirty thousand pounds was on his head, Loch Skipport and Loch Boisdale were covered with English sails cruising about towards France so that a sparrow could not go beyond their lines without their knowledge. But with her ready wit she devised a plan. She was shown the Prince in a miserable "shieling" on the estate of her brother at Corrodale. She was so overcome, to see her Prince, his clothes in tatters, half famished, preparing his frugal meal, that she knelt before him declaring her readiness to die in the attempt to save him. The Prince raised her from her kneeling posture and assured her "he would always retain a deep sense of so conspicuous a service." On the same day she returned to Milton to make ar-

rangements to take the Prince from Uist to Skye. The next day, June 21, 1746, as she was trying to cross over to Ormaclade, the seat of Clanranald, she was taken prisoner, having failed to provide herself with a passport. On being arrested she refused to answer any questions, and demanded to be taken to the officer in command. This she was denied and was committed to prison for the night. In the morning she was taken before the Commander, who proved to be no less a person than her stepfather, Hugh McDonald of Armadale, to whose house in Skye she expressed a strong desire to go, that she might avoid unpleasant and annoying encounters with the soldiers on the island of Uist. Her request seemed so natural, that he readily consented to give her a passport for herself and Neill McEachin McDonald who acted as her servant. (He was the father of Marshal McDonald, Duke of Tarentum, one of Napoleon's ablest generals). Another passport was also obtained for "Betty Burke," an Irish girl whom she had met on the island, and wished to carry to help her mother spin flax and to keep them company while the master of the house was absent. So unsuspecting was her father that he even wrote to his wife giving reasons for sending Flora from the island and recommending Betty Burke for spinning, and giving leave to hire and employ her till his return. After getting the passport Flora sent a message to the Prince telling him that all was well, asking him to meet her at Rasimish in Benbicula. In the meantime she went to Lady Clanranald's and told her her scheme. Lady Clanranald complimented her and supplied the necessary dress to disguise the Prince as an Irish servant girl. The dress consisted of "a flowered linen gown, sprigged with blue, a light quilted garment, a cap and apron, and a mantle of dun colored camlet, made after the Irish fashion with a hood." She hired a six-oared boat to take them across to Skye, telling the men when and where to meet her. With

Lady Clanranald and her servant boy McNeill she went to meet the Prince who had gone by her directions to the wilds of Benbicula. They found him preparing his own dinner which was of the humblest fare. "At dinner Flora occupied a seat on the Prince's right hand and Lady Clanranald on his left." After dinner much to the Prince's astonishment Flora told him he was to go with her as her servant girl and showed him the disguise she had procured for him. The Prince appreciated the ingenuity of the plan and, to the merriment of the ladies, was soon transformed into a rather awkward maid. Scarcely was this done when a messenger came to announce that Captain Furgison had quartered at Ormaclade, making it positively necessary that Lady Clanranald should hasten back that any suspicion might be averted. She took an affectionate farewell of the Prince and left her brave kinswoman alone and comparatively unaided to work out the escape of their dearly loved Prince. It must have been most trying, indeed, to one so young, but she seemed equal to the emergency. When Captain O'Neill, who had up to this time been the inseparable companion of the Prince, refused now to be separated from him, she stood firm and told him if he did go all was indeed lost as she had passports for only three. Both O'Neil and the Prince were obliged to yield and took a most affectionate leave, embracing each other. That evening when they reached the seashore, wet and weary, imagine their distress at not finding the boat which they expected. They were obliged to pass the night on the rock anxiously waiting, but as it did not come they ventured to kindle a fire to dry their dripping clothes and warm themselves. No sooner had they begun to feel somewhat comfortable than "four wherries filled with armed men were seen approaching," this obliged them to put out the fire and look for shelter among "the bonnie blooming heather." Fortunately they did not land or make any search, but, in a

short time, the wherries tacked and passed within gunshot of the place where they were concealed. All of the next day they were obliged to seek shelter, these three, among the mountains of that "rock-girt sea," but in the evening their boat came, and immediately set sail for Skye. The evening was "calm, clear and serene" and a gentle favorable breeze rippled over the water, but soon the sky began to lower, the wind rose, the billows rolled mountain high and threatened to engulf their little boat. The even temper of the Prince seems not to have been ruffled by any reverse of fortune; it is related of him that "he was superior to the elements, and to cheer and animate the sailors he narrated incidents of naval valor, and sung songs of the British Isle." Flora feeling that her watchful care was not then necessary to her Prince, closed her eyes and restored tired nature, and prepared for the next day's trials. While she slept the Prince kept watch that she might rest undisturbed. Judge of their anxiety, when day dawned, no land was in sight, and not having a compass they could not tell where they were, or which way to steer. "There is a Divinity that shapes our ends rough hew them as we may." The seamen steered at random, and in a short time were cheered by seeing the headlands of Skye, in the dim distance. What must have been their feeling! When at Waterwish they were fired upon by McLeod's militia. As the bullets fell thickly around them, the Prince tried to persuade Flora to get in the bottom of the boat. She refused to do so but insisted that he should do so. Seeing that she was determined, the matter was compromised by both taking shelter in the bottom of the boat until they had gone beyond danger. About the middle of the next day the boat entered a little creek near Moydhstat in Skye, the seat of Sir Alex. McDonald who was at that time with the Duke of Cumberland at Fort Augustus making plans for the capture of the fugitive Prince, who was on his way to

Lady Margaret McDonald's, Sir Alexander's wife; she being a strong Jacobite was anxious for the Prince to escape. She was a daughter of the celebrated Susana, Countess of Alington, whom Dr. Johnson has immortalized as a beauty and a wit and to whom Allan Ramsey dedicated his pastoral, says: "When Flora reached the castle with the Prince she was surprised to find Captain McLeod quartered there fully empowered to examine and arrest all suspected persons. She intuitively discovered that he suspected her, so instead of avoiding a meeting with him she sought his society and by her easy, pleasant manners so won him that he escorted her to dinner and paid her much attention." As soon as the "Mountain Dew" (I wish I could recollect the formula of this famous drink; Mrs. Furgison gave it to me but with other papers was lost in the fire) was brought on Lady McDonald and Flora retired leaving the gentleman to their "*cup*." They went immediately to the private apartments of Lady McDonald where the Prince was waiting for them. While they were discussing means for his escape, Captain McLeod knocked at the door. Flora sent the maid "Betty Burke" to open the door, which she did and slowly retired from sight. This little ruse disarmed the Captain of any suspicion he may have entertained, and apologizing for the intrusion returned to the hall. Lady McDonald called to their counsel her husband's factor, Alex. McDonald of Kingsboro (afterwards Flora's father-in-law). He asked that the Prince might pass the night with him, at his home fourteen miles away. To this they readily consented. While Kingsboro (Alex. McD.) was getting the Prince away, Flora took leave of her mother publicly and her manner was so self-possessed that *all* of Captain McLeod's suspicion was allayed. They walked from Moydthstat to Kingsboro in the pouring rain. The mountain streams were full to overflowing and the Prince came near betraying himself by the awkward way in which

he managed his skirts, but after a good many narrow escapes they reached the hospitable mansion of Kingsboro about midnight. The lady of the house was very much alarmed. She feared that Flora had been imprudent in letting the boat which brought them to Skye return to Uist, nor were her fears long in being realized. The men on their arrival at Uist told their suspicions and royal troops set out immediately in purusit. The Prince at a late hour retired and enjoyed the first refreshing sleep he had had for months past. In the morning the lady asked for a lock of his hair as a memento that he had passed a night under her roof; the Prince consented and Flora at his request cut a lock which she divided between Mrs. McDonald and herself. On another occasion the Prince came near being discovered but Flora's self-possession and ready wit saved him. Turning towards him she commanded "Betty Burke" to put on the kettle, "Betty" went to do as bidden and so escaped again, but Flora was afraid to venture to hide him again in her mother's house so determined to put off female attire and disguise him as a farmer. This she did and he made his escape into the country of the Laird of Raasay, who was then outlawed, and in his mountain home bid defiance to the troops of Hanover. The McLeods of Raasay met Flora, the Prince and Neill McEachin at Portree and carried them into their own territory, not only at the risk of their lives, but knowing that their daring act would operate as an excuse for the confiscation of their entire estates. On July 1, 1746, the Prince bade Flora "a tender and affecting farewell, ardently thanked her for her protection during the past ten days, and for having enabled him to escape from the wall of fire by which she had found him environed, and which he could never have passed without her aid and intrepidity. In affecting tones he told her that he yet hoped to meet her at the Court of St. James, when he would be able to reward her heroic devotion

to her unfortunate Prince Charles Edward. History tells us though he was denied this privilege he never mentioned her name except in the highest terms of respect.

The Prince escaped from Raasay to France and Flora returned to her brother's home in Uist. Soon after reaching there she was called to appear before McLeod at Tallisker, and answer to the charge of helping the Prince to escape. Her friends entreated her to hide herself for awhile, but she refused to do so and started unprotected and alone to answer the summons. On her way to Tallisker she was met and arrested, not being allowed to take leave of her friends, was carried on board the sloop "Furnace," Captain Furgison commanding. Three weeks later under an escort of soldiers she was allowed to bid her mother adieu, and was much hurt to learn from her that her stepfather was implicated in her offense, and that the people generally believed that he knew when he gave his daughter the passport for "Betty Burke" it was intended for the Prince. Flora bravely denied this charge on her stepfather, saying that she only was to blame. At her earnest request Kate McDonald was allowed to go with her as her maid. She was again taken on board the Furnace, but was soon considered a state prisoner of so much importance that she was exchanged to a vessel commanded by Commodore Smith, who was kind-hearted and very much sympathized with his fair captive in her distress. By his position and influence he was enabled to have her temporarily transferred as a prisoner to Dunstaffage Castle. In September, she was again put on shipboard and carried to Leith Roads, where she was tossed in one of England's naval palaces until some time in November. During this time her name had become famous, as the lass who helped Prince Charles Edward to evade his foes and hundreds came from Edinburgh to see and talk with its Scottish heroine. Among the number were Bishop Forbes, Lady Bruce, Lady Cochran

and Lady Clarke, the latter of whom was so eager to do her honor that she was "willing to wipe her shoes." On the 27th of November, having been kept in captivity in Scotland four months, she was placed on board the "Royal Sovereign" and taken to London to await her trial on charge of treason. Government discovering that the people so deeply sympathized with her, that it was thought best not to put her in a common prison or in the tower, but determined to place her in the care of friends, who would be responsible for her appearance, and yet allow government an oversight and knowledge of her correspondence and actions. "In this mitigated imprisonment Flora remained a State prisoner in London about twelve months" until in 1747 an act of indemnity was passed, which set her free, and permitted her to return to her "native Highland home." It is said that during her long imprisonment, she was ever cheerful, her address easy, elegant and winning, while "a subdued and modest gravity deepened the interest excited by her simple, artless character." Upon one occasion, Frederick, Prince of Wales, demanded of her how she dared to aid a rebel against his father's throne? With great simplicity she replied that she would have done the same for him had she found him in like distress. The answer conquered his resentment and made him a lifelong friend.

After her liberation she was a guest of Lady Primrose, and crowds of the nobility came to pay respects to the heroine. Her picture was painted for Commodore Smith and copies were soon scattered throughout the kingdom. One of these copies I have often seen and handled, it being the property of the old lady before referred to—Mrs. Cathrine Furgison; since her death copies have been made from it (she most positively refused to have any copies made during her life) and I now have one of my own which I prize highly.

Flora soon tired of the attentions shown her in London and longed for the quiet of her own home and the mother's love which she knew was waiting her there. In after life Neill McDonald (the same for whom she got the passport as her servant) was accustomed to say that he went to London to be hanged, but, instead was honored by being sent home with Flora McDonald in a coach and four.

In 1750 in the thirtieth year of her age she was married to Alexander McDonald of Kingsboro, son of Kingsboro who had helped in the Prince's escape. We learn from Boswell that Flora's husband "was completely the figure of a gallant highlander, exhibiting the graceful mien, and manly looks, which our popular Scotch songs have justly attributed to that character. He had his tartan plaid thrown around him, a large blue bonnet with a knot of black ribbon like a cockade, a brown short coat, a tartan waistcoat with gold buttons, and gold button holes, a bluish philibeg and tartan hose. He had jet black hair tied behind, and was a large stately man, with a steady sensible countenance." Soon after her marriage her husband's father died and they moved to the Kingsboro estate, the home where she had found one night's rest for the Prince, and here they entertained Dr. Johnson and his friend Boswell. Writing to Mrs. Thrale, Dr. Johnson says: "Flora told me she felt honored by my visit, and I am sure whatever regard she bestowed on me, was liberally repaid. If thou likest her opinion thou wilt praise her virtues." He slept in the same room and on the same bed which the Prince had occupied on that memorable night in 1746. In the morning he (Johnson) left a strip of paper with these words written with a pencil: "*Quantatum cedat virtutibus aurum.*" Boswell translated it: "With virtue weighed, what worthless trash is gold." Kingsboro's estate was in an embarrassed condition, which during his father's lifetime had suffered in consequence of his exertions in the cause of the Prince, having

lost his position as Factor in the management of his chief's estate. As is the custom in the "*old country*" Flora had a marriage contract which gave her all of her maiden property beyond her husband's control; Sir Walter Scott had this document in his possession at the time of his death. She sacrificed her rights hoping to help her husband to repair his losses, and he thinking to better do so decided to try his fortune in the "New World." Accordingly in 1774, they sailed from Cambleton, Kintire, for Wilmington, North Carolina, on board the ship "Baliol."

The fame of Flora had crossed the water in advance of the heroine and when she arrived at Wilmington a ball was given in her honor, which she attended and "took much pleasure in the attention paid her eldest daughter, Anne, who was just then blushing into young womanhood, and bore a striking resemblance to her mother."

When she came to Cross Creek her old neighbors and kinsfolk who had preceded her a few years gave her a truly Highland welcome. "The strains of Pibroch and the martial airs of her native land greeted her on her approach to the capital of the Scotch settlement. "In this village she remained some time, visiting and receiving visits from friends, while her husband went to the western part of Cumberland, looking for land." One day she went to Mrs. Rutherford's, after Mrs. McAustin, (she occupied the house at that time known as the Stuart place just north of the Presbyterian church) and while there she saw a picture of "Anne of Jura" assisting the Prince to escape. Looking at it she said to her hostess: "Turn it to the wa, turn it to the wa, never let it see the light again, it is na true. Anne of Jura was na there and did na help the bonnie Prince." She lived on Cameron's Hill in Cumberland for a short while, and attended "preaching" at Longstreet and Barbecue, two Presbyterian churches. The minister at that time was Rev. Mr. McLeod.

Her daughter Anne married Alex. McLeod of Glendale, Moore County, in 1775. He afterwards distinguished himself in European wars and rose to the rank of Major-General in the British service. She died in Stein, Scotland. In the year 1775-76, Governor Martin, of North Carolina, determined to raise a body of men from among the Scotch Highlanders to be sent to Boston and mustered into the "Royal Highland Emigrant Regiment" to help General Gage to break down all opposition there. He accordingly selected Flora's husband and granted him the commission of Brigadier-General. In order to assemble the Scotch, balls were given in different parts of the settlement. Flora attended some, accompanied by her daughter Anne (now Mrs. McLeod) and a younger daughter Fanny. "Upon these occasions Anne and Fanny reigned supreme and bore off all the honors of the ball." January, 1776, "Kingsboro" McDonald bought a piece of land from Caleb Tuchstone on the borders of Richmond and Montgomery counties, and named it "Kil-liegray." Here two of Flora's children died and were buried. The road runs near the graves, which now are enclosed by a plain rail fence, by the present owner, a Mr. McLeod. I visited the spot during the winter of 1886 and was impressed by the surroundings. They did not befit the last resting place of Flora's children—simply a rail fence (true in good condition and probably the best Mr. McLeod could afford) around them, all overgrown with brush and weeds; not even the name or date could be deciphered on the decayed headboard. I felt had I the means how I should love to put some mark there by which future generations might know whose dust lay there, if it were nothing more than this. "These are the children of Flora McDonald, the Flora whom all admirers of feminine courage love to honor, she who risked life, fortune and that which every woman holds most sacred, reputation, to save her Prince, the unfortunate Charles

Edward." These words inscribed on a marble slab would cost so little and yet would be sufficient to tell to all who read it, whose graves they were. In the field a short distance from the graves the remnant of what seemed to have been a neat four-roomed cottage, my friend told me it had been the home of Flora. I did not see any of the family, they having gone to attend "the meeting" so the neighbors told us. In this I was disappointed hoping to have gathered some information from them in regard to the date of the children's death, their names, etc. I hoped too to get the date of the transfer of the property from the McDonalds to the McLeods, having been told that the present owner was a descendant of the McLeod who bought the property from the McDonalds, and, ah! flattering hope whispered perhaps they treasured the old deeds and I might see them too.

"When the royal banner was unfurled at Cross Creek in 1776, and the loyalist army marched towards Brunswick, under the command of Brigadier-General Donald McDonald, an officer sent by General Gage, who ranked Kingsboro (Flora's husband,) she, with the true devotion of a wife, followed her husband, and encamped one night on the brow of Haymount, near the site of the U. S. Arsenal. In the morning when the army took up its line of march, midst banners streaming in the breeze and martial music floating on the air, Flora embraced her husband, and tears dimmed her eyes as she breathed a fervent prayer for his safe and speedy return to their new home at Killiegray. In company with Malcolm McKay (then sixteen years of age) she retraced her steps home, and spent the first night with McKay's mother at Longstreet." After the defeat of the loyalists at Moore's Creek, and the capture of her husband Flora's health seems to have broken. Her husband was kept a prisoner in Halifax, N. C., jail and she was not allowed to visit him at all,

so at his earnest request she decided to return to their home in Scotland. She remained a year or two at Killiegray, making frequent visits to Cross Creek where a hearty welcome always awaited her. After many difficulties with the Whig scouts, she succeeded in getting a pass from Captain Ingram (a Whig) in 1779. This enabled her to reach Fayetteville, N. C., and Wilmington, N. C., from which place she made her way to Charleston, S. C. From there she sailed to her native land. "On the passage the vessel was attacked by a French cruiser; during the engagement Flora refused to go below, and remained on deck urging the men to deeds of daring. Her arm was broken in the fight, and she was accustomed to say she had fought for the House of Stuart and for the House of Hanover, but had been worsted each time." Her three sons, Charles, James and John, were in the British army, and Ranald and Sandy were in the naval service of England. Fanny was the only child with her and she seems to have been too young to give her mother the sympathy and comfort she so much needed at this trying time.

Two letters written by Flora McDonald, one in 1780, the other in 1782, were published in the "Jacobite Memoirs," and have since been republished, I think, in *Blackwell's Magazine*, some time during the forties of the last century.

After peace was restored, her husband was liberated and returned from North Carolina to Skye, where he lived with his family till his death and was buried in Kingsboro burying ground. On the 5th of March, 1790, Flora died and was buried in the church yard of Kilmuir in Skye "within a square piece of brick wall, which encloses the tombs of the McDonalds of Kingsboro," at the age of seventy (70) years. It is said that at least four thousand persons attended the funeral. "A great number of pipers assembled and simultaneously played the usual lament for departed greatness.

Three hundred gallons of the purest 'mountain dew' was served out to the assembled multitude."

Her son, Colonel McDonald, provided a marble slab with a suitable inscription, but it was broken when being carried to the cemetery and every piece of it has been taken away by tourists, anxious to possess some relic of the heroic woman.

Up to seventy years ago there was not even a simple marble stone to mark her grave.

In 1898 one of the Scottish towns, (I do not remember which) elected to have a monument to Flora McDonald. It was a woman in Highland dress. When the statue was brought to the city, the woman was barefoot and the people were so indignant that they refused to accept it. The last accounts it still had not been unveiled.

Flora, by request, when buried was wrapped in the sheet on which the Prince slept when at Kingsboro that memorable night in 1746. It had twice passed through Wilmington and Fayetteville, N. C., as she never allowed it out of her possession.

BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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

CLARENCE H. POE.

The following sketch of Mr. Clarence Hamilton Poe, of Raleigh, N. C., the author of the article on "Indians, Slaves and Tories: our early Legislation regarding them," is revised from the 1908-09 edition of "Who's Who in America":

"Clarence Hamilton Poe; journalist; author; born in Chatham County, North Carolina, January 10, 1881; son of William B. and Susan (Dismukes) Poe; educated in the public schools, and at home (his mother having been a teacher) till 16 years of age when he began newspaper work. Editor-in-chief of the *Progressive Farmer* since 1899; he is now president of the Agricultural Publishing Company; secretary-treasurer of the Mutual Publishing Company; president of the Southern Farm Gazette Company; secretary-treasurer State Literary and Historical Association; chairman of the N. C. State Anti-Saloon League; acting chairman N. C. Child Labor Committee. Baptist. Democrat, unmarried. Author: (in collaboration) "Cotton; Its Cultivation, Marketing and Manufacture," published by Doubleday, Page & Co., 1906, "A Southerner in Europe," Mutual Publishing Co., 1908. Contributor to *World's Work*, *Review of Reviews*, *North American Review*, *Atlantic Monthly*, and other magazines."

Mr. Poe has two marked qualities that hardly ever fail to make a man worth much to himself and his country: first, he is a persistent and systematic worker; second, he has the analytical faculty which enables him to see the real significance of things and to grasp the essentials. He thinks easily and rapidly, and his energy enables him to carry his thoughts into execution. No man is doing more to advance the interests of the South than he, especially in the line of Agri-

culture. Endowed with tremendous industry, genuine patriotism, and lofty ideals, in time to come he will be widely known as one of the rebuilders of the South. He has so enlarged his activities that his editorial range stretches from Maryland to Texas. His two papers, the *Progressive Farmer*, of Raleigh, N. C., and the *Southern Farm Gazette*, of Starkville, Mississippi, have a combined circulation of about 70,000, weekly, and these lists are increasing at a great rate.

He is not only a remarkable editor but a man of fine business capacity. He is a man of unusual talent and has to his credit many successful magazine articles. He is devoted to the history of North Carolina and serves as Secretary and Treasurer of the State Literary and Historical Association, the purpose of which is "the collection, preservation, production and dissemination of our State literature and history; the encouragement of public and school libraries; the inculcation of a literary spirit among our people; and the engendering of an intelligent, healthy State pride in the rising generation."

Mr. Poe is a man of versatile talents, methodical and painstaking, and withal an excellent citizen. Reared on a farm in the country he sees the need of educating the masses in the best modes of agriculture. He has inherited the patriotism of a patriotic father who was a Confederate soldier and served his country faithfully. He has inherited those traits from an ambitious mother that have made him progressive and painstaking in whatever he undertakes.

That he merits the confidence of his fellow-citizens is attested by the numerous places of honor and trust that he fills.

STEPHEN B. WEEKS.

Stephen Beauregard Weeks, the author of the article on General Thomas Person, belongs to the new school of histori-

cal writers who came to the front at the close of the last century. It is composed of the younger men who have been trained in the science of historical investigation. To-day Dr. Weeks stands among the foremost of North Carolina historians.

The Weeks family was of Devonshire, England, and appeared in North Carolina in 1727, when Thomas Weeks settled in Pasquotank County, N. C. The subject of this sketch is of the fifth generation. Dr. Weeks's mother was Mary Louise Mullen (formerly Moullin), of Huguenot ancestry from Virginia. He was left an orphan at the age of three years and was reared by an aunt, Mrs. Robertson Jackson, of Pasquotank County, who taught him habits of industry, economy and sobriety. He attended the country school and prepared for entering the T. J. Horner School at Henderson at the age of fifteen years. From Dr. Horner he received his first real intellectual impulse.

In the year 1886 he entered the University of North Carolina, where he took the degree of A.B. During two years of post-graduate work there in English language, literature, German and Latin he took A.M. in 1887 and Ph.D. in 1888. The three following years, 1888-91, were spent as honorary Hopkins scholar at Johns Hopkins University in the study of history, political science and political economy, and by what he called "invincible attraction" he turned to history and has made that his life work.

In June, 1888, he was united in marriage with Miss Mary Lee Martin, daughter of the Reverend Joseph B. Martin, of the North Carolina Methodist Conference. Mrs. Weeks died in 1891, leaving two children.

Dr. Weeks's second marriage was with Miss Sallie Mangum Leach in June, 1893. She is granddaughter of Honorable Wiley P. Mangum, who was Representative and Senator from North Carolina in the Congress of the United

States, and from 1842-1845 President of the United States Senate. His career was highly distinguished and altogether honorable to the State.

Dr. Weeks has held many important positions. He was Professor of History at Trinity College; established the Trinity College Historical Society at Durham, N. C.; was Fellow by Courtesy in Johns Hopkins University; and has spent much time in original investigations along historical lines. He was appointed by the Philanthropic Society of the University of North Carolina to edit its register of members. This gave him acquaintance with the great men of the University, and he branched out from this into his life work. He has the most complete collection of books on North Carolina history, and the largest collection of autographs, pamphlets, and original letters bearing on our State history from the Lords Proprietors to the present time. He is an untiring collector of everything pertaining to North Carolina. He has contributed to the public many monographs on historical matters based on undoubted facts. In July, 1894, Dr. Weeks accepted a position with the United States Bureau of Education, which opened to him a broader field for his chosen profession. He was one of the organizers of the Southern History Association, which has issued ten volumes of high historical value.

In the fall of 1899, his health requiring a change of climate, he obtained a transfer to the Indian service of the National Government, and was stationed at Sante Fé, New Mexico, as principal teacher in an Indian school. Later he served as Superintendent of the San Carlos Agency School in that Reservation. Though far removed from his native State, his interest has not abated, but he was diligent in the use of his spare time in giving the service of his pen for the forward advancement of history.

In 1902 the degree of LL.D. was conferred on him by Wake Forest College.

After a few years in the far West, his health becoming restored, he returned to North Carolina. He resides at Trinity, in Randolph County, and is engaged in the preparation of an Index to the Census Records for 1790, an Index to the Colonial and State Records of North Carolina, a Bibliography of North Carolina, a History of Education in the Southern States during the Civil War, and other matters of history. Dr. Weeks's service to North Carolina is invaluable—and while yet in the prime of life no one can foresee what this active student of our history may yet search out and spread before his fellows.

Facts for the above were obtained from T. M. Pittman's sketch of Dr. Weeks in the Biographical History of North Carolina, Vol. VII.

MRS. S. G. AYER.

Mrs. S. G. Ayer, daughter of Captain Charles Betts Cook and Mary Langdon O'Hanlon, his wife, was born in Fayetteville, N. C., just as the war cloud burst on the fair Southland. The first recorded act of her childhood was knitting a pair of socks for a Confederate soldier at the early age of four and a half years. James Gee, who fought with General Marion in South Carolina, was her great-grandfather. Mary Gee, his wife, by her wit and coolness, saved the lives of two patriots during the Revolution. Mrs. Ayer served as chairman for Cumberland County in 1907, an appointment bestowed by the Jamestown Historical Committee of North Carolina. She rendered most efficient aid and collected many valuable and interesting relics for the North Carolina historical exhibit at the Jamestown Exposition. She married in 1883 Samuel Gee Ayer. She is President of the Liberty Point Monument Association, Fayetteville, N. C. She inherits the spirit of her heroic Revolutionary ancestors.

ABSTRACTS OF WILLS PREVIOUS TO 1760.

FROM SECRETARY OF STATE'S OFFICE.

Will of Peter Shrouck, July 15, 1750, July 10, 1751; brothers Michael and George Capehart; brother John Capehart; father George Capehart, Executor. Test: Edy Citer, John Cricket (Bertie).

Will of Stephen Stevens, Currituck, Apr. 20, 1748, Oct. Court, 1748. Son Michael O'Neal, daughter Thomazin Taylor, Sarah Fanshaw, son John Stevens, daughter Mary Stevens, all my children. Thomas and John Stevens, Executors. Test: Thomas Taylor, Gilbert Portwood, James Mercer.

Will of William Stevens, Beaufort, Feb. 22, 1750, March Court, 1750. Sons James and William, John Barrow and wife Penelope, Executors. Test: Ezekiel Dickenson, Salathiel Mixon.

Will of Joseph Sanderson, Currituck, January 13, 1743. Oct. Court, 1746. Wife Julia, sons Rowland and Thomas, sons Samuel, William, Joshua, Benjamin and Joseph. John Lurry (Leary?) Executor. Test: John Woodhouse, William Bagley, Samuel Jarvis.

Will of James Shirley, Cape Fear, Feb. 10th, 1837-8. Son Desminiere, daughters Susannah and Ann. Wife Ann, Exrx. Test: Dan Campbell, Armand D'Rossett, M.D., Roger Rolfe.

Will of Charles Stevenson, Northampton, July 4th, 1748. Nov. Court, 1751. Sons Benjamin, William, George and Jesse, wife Mary, daughters Elizabeth, Martha, Susannah and Olive. Test: John Dawson, Abram Hood, Edward Streeter.

Will of John Sharee, Craven Co., Oct. 25th, 1730. Dec. Court, 1730. John Thomas, Thomas Blake, Thomas Flybas, Mehitable Rutledge, also my Exrs. Test: Jacob Hover, R. Atkins.

Will of Robert Shearer, Bertie, Oct. 22, 1727. Sons Robert, Arthur, John and William, wife Elizabeth, daughters Prudence and Susannah. Wife, John Dew and Arthur Williams, Exrs. Test: Henry Gray, Joseph Boon.

Will of Daniel Shine, Craven, March 9th, 1757. August Court, 1757. Sons John, Thomas and William, daughter Elizabeth Vaughn. Son James, Tamer Shine and John Oliver, Exrs. Test: Furnifold Green, Charles Williamson, Charles Shine Wolf.

Will of Thomas Smithson, Pasquotank, Nov. 2d, 1742. Jan. Court, 1743. Son Joshua, daughter Marian, sons Joseph and John, daughter Dorcas, daughters Mary Murden and Tamer Morris. Wife Ann and son John, Exrs. Test: Richard Pritchard, Edmund Jackson.

Will of William Sitgreaves, Beaufort, July 5th, 1741, March Court, 1742. Stephen Ford and my aunt Mary Lingard, of Philadelphia, Exrs. Test: Michael Paquinet, Michel Paquinet, Mary Paquinet.

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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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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.

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"Lock's Fundamental Constitution," Junius Davis.

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OCTOBER, 1909.

No. 2

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GENERAL JOSEPH GRAHAM.

BY MRS. WALTER CLARK.

If, as Pope declares, "the proper study of mankind is man," where can be found more ennobling and inspiring subjects for this study than our Revolutionary patriots? Where can the youth of the present day find characters more worthy of emulation, or a greater stimulus to bravery, honor and loyalty than in the lives of those who, like the subject of this sketch, risked their all in defense of their country, gave her their best services in peace, and laid the foundation of our present liberty?

Joseph Graham was born in Berks County, Pennsylvania, October 13, 1759. His father, James Graham, was of Scotch-Irish descent, and came from near Carlingford Bay, County Down, on the eastern shore of Ireland. The tide of emigration was at its flood in 1729, and the years immediately following, as many as 6,000 coming in one year from Ireland alone. Many of these settled in Pennsylvania, and we can well understand how an adventurous youth of nineteen would be led to cast in his lot with them, to try his fortunes in this new world.

He was twice married, the first wife leaving six children. The second wife was a widow, Mrs. Mary McConnell Barber, who became the mother of five children, Joseph, the subject of this sketch, being the youngest. At the time of James Graham's death, in 1763, affairs had become very unsettled in Pennsylvania, political dissensions had arisen, and general dissatisfaction existed. The "Land of Brotherly

Love" was proving an unpleasant abiding place. The climate, too, was severe, and the Indians still aggressive. All these causes combined to induce the sturdy Scotch-Irish to seek again to better their condition. From about the year 1745 there had been a tide of emigration from that section to the South, and reports of a milder climate and more fertile lands and the hope of better political conditions had led many to follow. Soon after James Graham's death a party of these emigrants came to the Carolinas, and the plucky little widow with her fatherless children accompanied them, and came to try her fortune in this Southern country, as her husband had done, leaving the Old World for the New, thirty years before. As we picture in our imagination this emigrant train, and follow it on its toilsome journey, as it winds its slow way along, over hills, through valleys, following the rough and often almost impassable trail, through Virginia and North Carolina to its ultimate destination in Lancaster County, S. C., we can form some idea of the feelings of Mary Graham as she left the old home and the old life behind and with five children, the oldest not more than fourteen years of age, journeyed many hundreds of miles to seek a home in a new and untried country. And the little Joseph, what impressions must have been made upon his childish mind, and how wild and strange it must all have seemed to the child, as the shadows lengthened and, weary with the long, rough journey of the day, they gathered around the camp-fire in the wilderness and prepared the evening meal, keeping a vigilant watch, both for the wild animals of the forest and the cruel savage whose blood-curdling war-whoop was the incarnation of all that was evil and horrible.

At last their destination was reached, but not to find a permanent abiding place, for in a few years Mary Graham removed to Mecklenburg County, N. C., and purchased a

home about four miles from Charlotte. Here she rested at last, and continued to reside until her death.

Small of stature, modest and unassuming, she must yet have possessed many of the sterling traits which form the character of the ideal woman. Widowed and alone in a strange country, except for the few friends and perhaps relatives who had accompanied her in the removal to the South, she had soon succeeded in purchasing a home where she gathered her little flock around her, and with her indomitable spirit still unbroken, devoted herself to training them for lives of usefulness. She instilled in them habits of industry, endurance and self-control, with strict adherence to duty and a love and reverence for religion. She gave them the best education the times afforded, fortunately having the advantage of being near one of the best schools in the State, located at Charlotte and called Queen's College. The name was afterwards changed to Liberty Hall, as being more consonant with Revolutionary ideas. The diploma of John, the oldest son, at this college is still preserved, and is perhaps the only one now in existence. It is a worthy ambition to strive that the world may be better because we have lived in it, and nobly in her narrow sphere did Mary Graham fulfill this ambition. Her contribution to its betterment and progress was the lives of these children, and well was she rewarded for her loving care. Her daughters became women of fine character and honored heads of families. Each of her three sons served his country well, holding offices of trust and responsibility and enlisting under her banner in time of war. John, the oldest, studied medicine under Dr. Rush, of Philadelphia, and was a surgeon in the Revolutionary army, and George bore an active part in the Continental line, and participated in many engagements until debarred by a severe attack of illness. He was present at Charlotte, Cowan's Ford, Hanging Rock, etc. He was Sheriff of Meck-

lenburg County for many years, and afterwards Clerk of the Superior Court till forced by ill health to resign.

Joseph grew to manhood living on his mother's farm and attending school in Charlotte, where he "was distinguished among his fellow-students for talents, industry and a most manly and conciliatory deportment." "He took part in the manly sports of the day, was an expert swordsman, a man of much nerve and considerable surgical knowledge, which on many occasions he used for the benefit of those in need. He had also a practical knowledge of civil engineering and surveying. His interest in learning was great, and when grown to manhood he was ever ready to aid the boy of limited means in obtaining an education. He took great delight in reading history, especially, which he perused always with a geography and dictionary at hand, saying that 'every reader should know just *what* the writer said and *where* he was.' "

While still a youth he was eye-witness to a momentous event which marked an epoch in his life. He was a youth of thoughtful habits and alert mind, and took a keen, active interest in the political situation, which became more and more alarming as events succeeded each other. Two or more meetings of indignation and protest had been held during the spring of that year in the county of Mecklenburg, but it was not until the 20th of May, 1775, after news of the battle of Lexington was received, that affairs reached a climax. On the 19th of May a committee, composed of two men from each militia company in the county, met in the court-house at Charlotte, and after a session lasting far into the early hours of the 20th formally renounced allegiance to the British Crown.

Resolutions were passed declaring:

"That we, the citizens of Mecklenburg County, do hereby dissolve the political bonds 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." These resolves were six in number, one declaring that "The Crown of Great Britain can not be considered hereafter as holding any rights or privileges or immunities among us," etc., all breathing a spirit of defiance and determination to be free and independent. This was the first absolute declaration of independence in America, and all honor to the brave men who dared to throw down the gauntlet in the struggle for freedom!

Joseph Graham was present, an intensely interested spectator, and the event made so deep and ineffaceable an impression that he was able many years later to write a full and detailed account of the transaction at the request of his friend J. Seawell Jones, who was then preparing a history of the State. It was through the instrumentality of Joseph Graham, about the year 1816, that this great historic event was rescued from oblivion. Among the papers of an aged German neighbor, whose will he was requested to write, he found an old contemporary newspaper, the *Cape Fear Mercury*, containing the proclamation of the royal Governor, Martin, August 8, 1775, denouncing "a set of resolutions purporting to be a Declaration of Independence by Mecklenburg County." This discovery of Joseph Graham was the only copy of Governor Martin's proclamation then known to exist, and to Joseph Graham alone belongs the honor of rescuing from oblivion this long past occurrence.

On May 20, 1835, a notable celebration was held in Charlotte, and a newspaper account says, "General Graham gave an interesting historical sketch in response to the sentiment 'Our honored guest.'" In 1832 at the close of Joseph Graham's personal recapitulation of his military

services, made under oath when applying for a pension, he states: "Was present in Charlotte on the 20th day of May, 1775, when the committee of the county of Mecklenburg made their celebrated Declaration of Independence of the British crown, upwards of a year before the Congress of the United States did at Philadelphia." Is it surprising that those who believe in the truth and honor of Joseph Graham, who was eye-witness to what he describes, should believe *also* in the *Declaration of Independence of May 20, 1775*? Like other claims made by North Carolina to precedence in things military and historic, many years had elapsed before this was formally set up. But does any true North Carolinian believe the less in "First at Bethel, Farthest at Gettysburg, Last at Appomattox" because years had elapsed, many of the participants had passed into the Great Beyond, and crops of waving grain had covered the erstwhile battle-fields, for many an autumn before the claim was formally made. It has been said that "North Carolina has been too busy making history to write it," and it seems that these sons of Mecklenburg resumed their daily avocations when once they had boldly made their "Resolves" and dispatched them by a trusted messenger to the representatives in Philadelphia who, blind, it would seem, to their true value and deeming them premature, gave them scant recognition. But soon the time came to prove these words by deeds, and then right nobly did they come up to the mark.

Before appending the interesting enumeration of Joseph Graham's services given by R. H. Morrison it may not be amiss to say a word as to the military regulations of that day. Among the N. C. troops much of the service was largely voluntary. Their term of enlistment and mode of support were unique, and differed greatly from that of soldiers of the line to-day. Though enrolled for a certain term of months, the agreement was that when not in active service they should re-

turn to their homes, ready for an instant response to the call to arms. Thus it was with Joseph Graham and his fellow-patriots, and thus were his military services performed. Modestly retiring to his farm and occupations there when his services were no longer needed in the field, he bravely went forth again at the call of duty, on more than one occasion when enfeebled by recent severe illness, or partial recovery from dangerous wounds, or, as at the battle of Charlotte Cross Roads, when by the terms of enlistment his services could not legally be required, he rallied around him his friends and neighbors, and when their homes and loved ones were threatened by a hostile invasion led them in the resistance which they made so bravely and persistently as to earn for that section the soubriquet of "Hornets' Nest," as they, a little handful of determined men, annoyed, harassed and delayed the British army on its march through the State. Again at Cowan's Ford he had scarcely recovered from almost fatal wounds, when he raised a company of cavalry and took a prominent part in this engagement.

Dr. Morrison says:

"He enlisted in the Continental army in May, 1778, at the age of eighteen years. He joined the 4th Regiment of North Carolina regular troops under Col. Archld. Lytle, acting as an officer in Captain Gooden's company. They were ordered to rendezvous in Maryland, but just at this time occurred the battle of Monmouth; the British retreated to New York, and the services of these troops were not needed, so they returned to their homes on furlough. He was again called into service on November 5, 1778, in the command of General Rutherford, was with the troops under General Lincoln in the trying and painful struggles against General Prevost, and took part in the battle of Stono, June 20, 1779. During this campaign he acted as quartermaster. In July, 1779, he had a severe and dangerous attack of

fever, and after an illness of two months was compelled to accept a temporary discharge.

"While at his home he received intelligence of the surrender of Charleston and the defeat of Colonel Buford at the Waxhaw, and feeling that his services were needed he at once rejoined the army, and was appointed adjutant of the regiment from Mecklenburg, which was engaged in opposing the British troops under Lord Rawdon.

"When it was understood that the British were marching to Charlotte, he was commanded by General Davidson to repair to that place, take command of the American force which should collect there, and join Colonel Davie, which he immediately did. The British army entered Charlotte on the 26th of September, 1780. Joseph Graham was assigned to the command of those troops which sustained the retreat of General Davie, and harassed and opposed Tarleton's cavalry and a regiment of infantry for four miles on the road leading to Salisbury. Finding his numbers inadequate to oppose their progress he withdrew his men and, forming again on an adjacent farm, made another gallant but ineffectual attack on the advancing enemy. Again at Sugar Creek another bold stand was made, on a hill just above the stream, but all in vain as reinforcements joined the already far superior British forces, and the Americans were compelled to retreat. Col. Francis Locke, of Rowan County, was killed just beyond this point, and Joseph Graham soon after was cut down and severely wounded. He received nine wounds, six with the saber, and three with lead. Four of these were deep saber cuts over his head, one in the side, and three balls were afterwards removed from his body; a large stock buckle, which broke the violence of the stroke on his neck, alone saved his life. Being much exhausted with loss of blood he was left for dead on the field, but afterwards, reviving during the night, crawled with infinite difficulty

and suffering to the house of Mrs. Susannah Alexander, where he received every attention, and when somewhat improved was taken to the hospital.

"Thus, at the age of twenty-one, we see this gallant officer leading a band of as brave men as ever faced a foe to guard the ground first consecrated by the Declaration of American Independence, and when the foot of tyranny was treading it, and resistance proved unsuccessful, leaving his blood as the best memorial of a righteous cause and of true heroism in its defense.

"Thus, while the whole country was in distress, its property pillaged, its houses forsaken and its defenseless inhabitants flying from the shock of arms, a few noble sons of Mecklenburg compelled Lord Cornwallis to designate Charlotte as the Hornets' Nest of America.

"As soon as his wounds were healed he again entered the service of his country. Having raised a company of fifty-five men in two weeks, he was placed in command by General Davidson. It showed not only his energy of purpose but his great influence, that in this difficult and hazardous period of defeat and depression he could accomplish this. This company was composed of mounted riflemen, armed also with swords and pistols. They furnished their own horses and equipments, and entered the field with every prospect of hard fighting and little compensation.

"At this time the plan of opposing Lord Cornwallis in crossing the Catawba River was arranged by General Greene, and its execution assigned to General Davidson. Feints of passing were made at different places but the real attempt was made at Cowan's Ford. The company commanded by Joseph Graham was the first to commence the attack on the British as they advanced through the river, but in spite of such brave opposition they as bravely advanced, gained the opposite bank, and returned a galling fire upon the Ameri-

cans. Two of Graham's men were killed. General Davidson had fallen at the beginning of the action as he was standing sword in hand cheering on his handful of brave men, so valiantly opposing the advance of the enemy. The North Carolina troops under General Pickens continued to pursue the British as they advanced toward Virginia. Joseph Graham with his company and some troops from Rowan County surprised and captured a guard at Hart's Mill, one and a half miles from Hillsborough, where the British army then lay, and the same day joined Colonel Lee's forces. The next day they were in an engagement with Colonel Pyles in command of 350 Tories on their way to join Tarleton. Shortly after Graham's company took part in the battle of Clapp's Mill, on the Alamance, and within a few days also in that of Whitsell's Mill, under the command of Colonel Washington.

"During the summer of 1781 but little military service was performed in North Carolina, as the British had retired to Wilmington. In September General Rutherford, who had been a prisoner, was released and immediately gave orders to Joseph Graham, in whose military prowess and great influence he had unbounded confidence, to raise a troop of cavalry in Mecklenburg County. The legion being raised, Robert Smith was appointed colonel and Joseph Graham major, and at once set out for Wilmington, the present headquarters of the British. South of Fayetteville an attack was made near McFall's Mill on a body of Tories who were signally defeated and dispersed, though headed by four colonels opposed to the youthful major. Next a band of Tories on Mr. Alfred Moore's plantation opposite to Wilmington was surprised and defeated. On the next day he with his troops made a resolute attack on the British garrison near the same place, and soon afterwards commanded the party

which defeated the celebrated Colonel Gainey near Lake Waccamaw.

"This campaign closed Joseph Graham's services in the Revolutionary War, as it was soon terminated by the surrender of Cornwallis at Yorktown.

"He had commanded in fifteen engagements, with a degree of courage, wisdom, calmness and success surpassed perhaps by no officer of the same rank. Hundreds who served under him have delighted in testifying to the upright, faithful, prudent and undaunted manner in which he performed the duties of his trying and responsible station. Never was he known to shrink from any toil however painful, or quail before any danger, however threatening, or stand back from any privations or sacrifices which might serve his country. To secure her liberties he spent many toilsome days and sleepless nights; for her he endured much sickness, fatigue and suffering without a murmur; for her his body was covered with wounds; to her welfare he consecrated his time and treasure and influence during a long, unblemished life."

At the close of the Revolutionary War Joseph Graham returned to life on the farm with his mother, and resided there until his marriage, in 1787, to Isabella, daughter of John Davidson, one of the signers of the Mecklenburg Declaration of Independence. She also was of Scotch-Irish lineage, her ancestors settling first in Pennsylvania, and then removing to North Carolina in 1740. They came first to Rowan County and afterwards to Mecklenburg, where the old homestead is still in the hands of descendants. After Joseph Graham's marriage he removed to what was then known as the Red House, near the Catawba River, and lived there for four years. He then engaged in the manufacture of iron with his brother and father-in-law in Lincoln County, where Vesuvius Furnace was erected, and his residence built near by. This was the family homestead where his children were

reared. It was located near the main line of road, and he had many visitors, men of letters with whom he delighted to converse, and others. The situation was very attractive at the head of three terraces, and approached through an avenue of cedars.

His marriage was most fortunate. His wife possessed not only great beauty of person but loveliness of character, and was a devoted wife and mother. Her true kindness of heart was shown in the motherly care and consideration she gave to the orphaned son of Gen. Wm. Lee Davidson, who married her sister, and fell at the battle of Cowan's Ford. The characteristics which had made Joseph Graham the stay and comfort of the brave little mother as years advanced upon her, made him now the excellent husband and father. Tradition says that when her useful life was nearly spent, and she became too feeble to walk, he would lift her in his strong arms and tenderly place her out on the old-fashioned "settle" (as the wooden bench or lounge of that day was called) under the shade of the trees where she loved to lie during the long summer days.

Joseph Graham's wife died in 1807, leaving a large family of children: Mary, who afterwards became the wife of Rev. R. H. Morrison, D.D., and William, only three years old, being the youngest. To them especially he was both father and mother, and showed the greatest tenderness and care. When he left home to command the brigade against the Creek Indians little William rode with him on his horse as far as a certain rock which is still pointed out. Here the motherless child bade him adieu and gave him up to the uncertain fortunes of war. This war was unexpectedly ended, however, and the father's absence was not long protracted. This was in 1814. The Creek Indians in Alabama had become so aggressive that more troops were needed, and President Madison made a requisition on the Governors

of North and South Carolina each for a regiment. These formed a brigade to the command of which Joseph Graham was appointed by Governor Hawkins, with the rank of brigadier-general. By exasperating delays of the War Department in furnishing supplies this brigade did not reach the seat of war until the battle of Horse Shoe had forced the Indians into submission, and after this there were only a few skirmishes and the final surrender of these hostile Indians. This was his last military service. He served several terms as major-general of the State militia. At that period these officers were elected by the Legislature for a term of three years. Joseph Graham led an active life, interested in all public questions, always a patriot, with the welfare of his country at heart in peace as in war. He was Sheriff of Mecklenburg County after the war and several times a member of the Court of Common Pleas and Quarter Sessions, which was composed of five members elected by the justices of the peace. He was a member of the first convention of the State to consider the proposed Constitution of the United States, which met at Hillsboro July 21, 1778. In November of that year we find him a member of the State Senate which met at Fayetteville. This was the last Legislature in which the members wore their hats, the Speaker alone being uncovered, and they laying aside their hats only while addressing the Chair. He served several terms in the Legislature and was much interested in all bills in favor of internal improvements and general education. He voted for the establishment of the State University in 1788-9, and was made a member of the first board of trustees of this great State institution, as he had been of the first academy established in Lincoln County. At the request of a mass-meeting of the citizens of Morganton he presented a memorial urging the establishment of a military academy in the State and proposing a plan therefor which

was favorably received and complimentary resolutions passed, but no final action taken.

His contributions to literature were mainly on military matters, many of them written at the request of Judge Murphey. The correspondence between them, which is reproduced in "Joseph Graham and his Revolutionary papers," is full of interest. Judge Murphey, about the year 1820, decided to write a history of North Carolina, and with that intention, corresponded with those he thought competent to furnish information. His first intention seems to have been to cover only the Revolutionary period, and to correct mistakes concerning North Carolina troops. But on Joseph Graham's suggestion that he make it a complete history of the State he changed his plan. He had collected much material for this purpose, but died before completing the work. Murphey wrote him: "I have been kindly aided by a few of the officers and soldiers of the North Carolina line, but by none so liberally as yourself." In 1827 Joseph Graham writes a correction of various misstatements which had found a place in history regarding North Carolina troops. Major W. A. Graham says: "The fact that the troops which gained such distinction under the command of General Pickens were from North Carolina, and mainly from Mecklenburg and the adjoining counties in North Carolina, had until recently like the Mecklenburg declaration escaped the attention of our best informed writers. For the preservation of this and other interesting events in our Revolutionary history we are indebted entirely to the careful pen of General Graham."

If the testimony of Joseph Graham is to be accepted on all these points of history which he was requested to settle, mainly from his own personal knowledge and recollection after the lapse of many years, and if his decision was received as the *ultimatum* by Judge Murphey and other stu-

dents of history of acumen and discrimination where dates, figures and numbers of troops engaged were in question, then why should the testimony of the same witness be discredited when the Mecklenburg Declaration of the 20th of May is the point in question? Why should it be imagined he would "mix" the dates of the 20th and 31st of May more than those of the days on which the battles of King's Mountain, Pyle's Massacre or Moore's Creek occurred? Why one "style" of reckoning for them and another for the 20th of May just before? Is it credible that he could not discriminate between two separate and distinct events of such different tenor, occurring on such different dates as the 20th and 31st of May?

Joseph Graham's writings comprise, first, a chronology of military events beginning with the battle of Ramseur's Mill, 20th June 1780 (as he was too young to have participated in any campaign previous to that time); second, Hanging Rock; third, expedition against the Tories in the forks of the Yadkin; fourth, affair at Colson's Mill; fifth, engagement at Rocky Mount; sixth, engagement at Charlotte Cross Roads and events preceding and following; seventh, McIntyre's farm; eighth, Royal Governor Martin's proclamation; ninth, retreat of Cornwallis to Winnsboro; tenth, Cowan's Ford; eleventh, Shallow Ford; twelfth, Hart's Mill; thirteenth, Pyle's massacre; fourteenth, Dickey's farm; fifteenth, Clapp's Mill; sixteenth, Whitsell's Mill; seventeenth, closing scenes of the Revolution in North Carolina. Many of these were accompanied by maps drawn by himself from personal observations made at the time, as in the battle of Cowan's Ford and others; or by careful measurements under the supervision and direction of actors in the scene, as in that of King's Mountain, from which he was absent on account of severe and almost fatal wounds

recently received. Like the Confederate veteran of to-day his greatest joy was in recalling the deeds of the past, and this literary work was to him a great pleasure.

In the year 1834, as age advanced upon him, he gave up to his two sons the business of manufacturing iron in which he had been engaged for many years, and which had proved very lucrative, and built a residence on an adjacent farm about a mile distant. His daughters were by this time all married, and he resided here with his unmarried son James, who for several years represented this district in Congress until his death, November 10, 1836. This place is now the family homestead of Maj. W. A. Graham, and called "Forest Home." The original house was burned some years ago and has been replaced by a modern and commodious structure. Joseph Graham is buried in the cemetery of Machpelah Church, which he and others of the family like Abraham of old "purchased for a possession of a burying place" soon after his removal to Lincoln County.

In closing I can give no better summary of his character than that made by one who had known him long and intimately, Rev. Robert Hall Morrison, D.D., himself a man of most exalted character. In the obituary printed immediately after Joseph Graham's death he thus describes him:

"His intercourse with others was marked by great dignity of deportment, delicacy of feeling, cheerfulness of spirit, and equability of temper. Men of learning and high standing have often expressed much gratification of his company and surprise at the extent and accuracy of his knowledge. In the circle of private friendship his excellencies were strikingly displayed. He was far—very far—removed from all those feelings of selfishness, vanity, suspicion or envy which unfit men for the duties and joys of social life. His eye was always open to the virtues of his friends; his heart was always ready to reciprocate their kindness, to sympa-

thize with their sorrows and overlook their infirmities. His hand, his time, his counsel and his influence were all at the command of those who shared his confidence and deserved his affection.

“But there was another circle nearer to his heart in which he was still better prepared to shine and in which true excellency displayed is a brighter and surer evidence of worth. Justice could not be done to his character without being known in the family circle. As a husband, a father and a master those alone who were the objects of his attachment, forbearance and tenderness could duly appreciate his conduct and demeanor.

“His life was a bright pattern of those virtues which are essential to the purity and peace of society. He possessed a lofty and delicate sense of personal honor and virtuous feeling. His presence was always a rebuke to the arts and abominations of evil speaking, profanity and defamation. If he could not speak well of his fellow-men he was wise and firm enough to say nothing. He regarded the reputation of others as a sacred treasure, and would never stoop to meddle with the private history or detract from the good name of those around him. He felt that the sources of his enjoyment and the causes of his elevation were not to be found in the calamities of his fellow-men, and hence his lips were closed to the tales of slander and his bosom a stranger to the wiles of calumny. Did all men act on the principle which governed him in this respect a hideous train of evils which mar the purity and disturb the peace of society would cease to exist.

“But General Graham did not believe when he had served his country, his family and his friends, his work on earth was finished. With an unwavering conviction of the truth and importance of religion, he professed to serve God and to seek for salvation by faith in Christ. For a long period

of time he was a member of the Presbyterian church, and for ten or twelve years previous to his death he was a Ruling Elder of Unity under the pastoral care of Rev. Mr. Adams. He cherished a most profound respect for the ordinances and duties of Christianity, and attended with deep interest and uniform punctuality upon the means of grace. He delighted much in reading the word of God and in hearkening to the instructions of ministers of the gospel, for whom he always manifested the greatest regard. In selecting his library he proved how high an estimate he placed upon Christian instruction, and in his most unreserved intercourse with pious friends his deep and pervading concern for *true and undefiled religion* was apparent. No circumstances would deter him from manifesting the most decided contempt for the groveling spirit of infidelity and irreligion.

“By a life of temperance and regular exercise, with the blessing of God, he enjoyed remarkable health and vigor of constitution. On the 13th of October, 1836, he made the following minute in his day-book, ‘This day I am seventy-seven years of age and in good health, *Dei Gratia*.’

“As the disease which terminated his life was apoplexy, its paralyzing stroke was sudden and unexpected. He rode from Lincolnton on the 10th of November, and on the evening of the 12th closed his eyes upon the cares and trials of a long, useful and honorable life.”*

* It gives me pleasure to acknowledge here the invaluable assistance I have found, in the preparation of this sketch, in “The Life and Revolutionary Papers of Gen. Joseph Graham,” by Maj. W. A. Graham; and also in the excellent obituary by the Rev. R. H. Morrison, D. D.

STATE RIGHTS IN NORTH CAROLINA THROUGH HALF A CENTURY.

BY H. M. WAGSTAFF.

North Carolina emerged from the Revolution with two distinct factions in her Whig party, factions that had been held in partial harmony during the war by the necessity of presenting a solid front to the British and Tories. One of these factions was led by Willie Jones, and may be known as the popular, democratic, or radical party. It had sought to enthrone democracy in the State Constitution in 1776. It emphasized State individualism and stressed the principle of decentralization in the relation of the States to the government of the Confederacy. The other faction was directed by Samuel Johnston, and showed a tendency toward class government in State politics. It was duly appreciative of the benefits arising from common action between the States and desired proper deference from the States to the authority of the Confederate government. With the pressure of war and Toryism removed, these factions became separate parties, animated by strongly opposed sentiments.

The first issue of large interest between them was the treatment to be accorded the defeated Loyalists, this, by its nature, leading to the larger question of the amount of authority the Congress of the loosely-jointed Confederacy was to be allowed to exercise. Congress's peace treaty with England had provided for the rights of return to Loyalists and the restitution of their confiscated property. Jones and his followers held that Congress had exceeded its authority in incurring such an obligation and on this account it need not be respected.

On the other hand the party under Johnston was suffi-

ciently imbued with ideas of international honor to demand the execution of the treaty. The party was now in the minority, however, despite the fact that in its ranks were found Johnston, James Iredell, Alexander Maclaine, Wm. R. Davie and Wm. Hooper, the men most state prominent during the Revolution. All these deprecated the tendency to individualize the State and place its interests paramount to those of the Confederacy. It was this party, therefore, that in 1786 eagerly supported the movement to reform the Articles of Confederation. A demand was growing strong throughout the Confederacy for a closer union of the states as a means of ending the confusion into which the whole country was falling.

But in North Carolina the movement for creating a more effective union gathered force slowly. Despite the chaos in finance, in justice, in interstate commercial relations, and a general failure to realize the blessings that independence had seemed to promise, the majority party in North Carolina by no means despaired of the state or showed signs of a loss of faith in independent state democracy. State politics absorbed all its interests. Delegates were chosen to Congress but their seats for the most part remained vacant,¹ the State being totally unrepresented a number of times between 1783 and 1786.

Nevertheless, despite the indifference manifested by the majority party in North Carolina and other of her sister states, the American Confederation was now on the eve of a radical political change, a change the more significant in that it was not generally demanded by the thirteen independent sovereignties affected. The action which proved to be the first step in the reorganization of the Confederation was the call by Virginia of a trade convention to meet at

¹ Chairman of Congress to Governor Caswell. N. C. Colonial Records, XVIII, 515, 659, *et seq.*

Annapolis in September, 1786. Though public opinion in North Carolina appeared indifferent Governor Richard Caswell, standing midway in state politics between the radicals and conservatives, appointed five delegates to represent the state at Annapolis. Only one of the number, Hugh Williamson, made an effort to attend, he reaching the Maryland capital on the day the convention adjourned. But before adjournment the body had recommended to Congress the call of a constitutional convention for the purpose of amending the Articles of Confederation in the interest of more perfect union. Congress, already convinced of the imperfections of the Constitution and its own impotency, acted upon the suggestion within the same month.

The North Carolina General Assembly responded to the call by the appointment of a delegation of five, consisting of Governor Caswell, Willie Jones, Alexander Martin, Richard Dobbs Spaight and Wm. R. Davie. It was understood² that three of these, Caswell, Jones and Martin, were state rights men. Davie and Spaight were avowedly favorable to the idea of greatly strengthening the Federal government.³ The preamble to the act⁴ of appointment, however, embodied the sentiment of the conservatives and seems to have been due to their exertions. It was perhaps as much on this account as for his lack of sympathy with the whole movement that Jones at once declined to serve. The Governor, so empowered by the act, filled the vacancy by the appointment of Hugh Williamson, and also named William Blount in his own stead. Both these classed as advocates of stronger union, hence the political complexion of the delegation was entirely changed. Only one radical, ex-Governor Martin, remained in the delegation.

² McRee's Life of James Iredell, II, 151. Iredell to Mrs. Iredell, Sept. 30, 1786.

³ *Ibid.*, II, 168. Spaight to Iredell.

⁴ Public Acts of N. C., 1786, 412.

The delegation as completed was in full attendance upon the Philadelphia convention soon after its organization in May, 1787. Martin showed himself pliable. Practical harmony prevailed among them and the delegation bore its proportionate part in making the great instrument of government that was produced. The views of the North Carolina delegates as to the nature of the government in process of formation are clearly indicated in their attitude upon the various compromises that were found necessary between conflicting interests in the convention. In advocating the choice of senators by the state Legislatures Mr. Davie said that the government forming was partly federal, partly national: "It ought in some respects to operate upon the States, in others upon the people."⁶ Alexander Martin said: "United America must have one general interest to be a nation, at the same time preserving the particular interests of the States."⁷ The delegation stoutly supported the southern demand that at least three-fifths of the slaves should be counted in apportioning representatives to the states, Davie saying, in the debate, that "If the Eastern States mean to exclude them altogether then the business (of confederation) is at an end."⁸ As to the continuation of the slave trade the delegation was lukewarm, but finally voted with South Carolina and Georgia, apparently from a fear that those states would reject the Constitution if the trade was abolished at once.

When the Constitution was completed only three members signed for North Carolina, Davie and Martin having re-

⁵ N. C. State Records, XX, 637, 683.

⁶ Madison Papers, Supplementary to Elliot's Debates on the Federal Constitution, V, 265.

⁷ N. C. Records, XX, 753. Martin to Governor Caswell. With Martin, however, the political pendulum had swung so far away from particularism that events were soon to prove he had lost the confidence of his party.

⁸ Madison Papers, Sup. Elliot's Debates, V, 303.

turned home near the end of the convention to meet business engagements. Both, however, would very probably have signed had they been present.

The great struggle in North Carolina, as in a number of the other states, was yet to come over the question of ratification. Apparently the trend of public opinion in the latter part of 1787 was toward a sanction of the new Constitution. This was due to the effective campaign carried on by Johnston's party followers, now calling themselves federal men, or federalists. The party was determined to win a majority in the General Assembly, to elect their party chief as Governor, and call a state convention to pass upon the Constitution. The program was carried out. The new Legislature on joint ballot was able to elect Johnston and call a state convention to meet at Hillsboro in July of the following year (1788).

But the battle was not yet half won. Early in 1788 Jones, aided by such able lieutenants as Timothy Bloodworth, David Caldwell, Judge Samuel Spencer and Maj. Joseph McDonnell, of King's Mountain fame, began to marshal the forces of the opposition. North Carolina has probably produced no abler party strategist than Jones. The party cue was given by him at Halifax.⁹ The federal judiciary, he said, would play havoc with the authority of the state's courts; the poor were to be ruined by money collections and federal taxation; there was no provision for freedom of conscience, the states were to be absorbed by the central government. These ideas and others of like tenor were potent arguments to the average North Carolinian against surrendering his dearly-bought liberties to an untried form of government. The anti-federalist propaganda rapidly began to have effect. The State judiciary was practically unani-

⁹ McRee, II, 217. Davie to Iredell, outlining Jones's position. Davie was neighbor to Jones at Halifax.

mous¹⁰ in its opposition to the Constitution. Party lines were closely drawn in the election of delegates to Hillsboro. On account of his compliant attitude at Philadelphia, Alexander Martin was now rejected by his former constituents for a seat in the convention. The eastern counties, where most of the federalist leaders resided, were closely contested, the Cape Fear country was generally favorable, and the western country decidedly opposed to the Constitution. The elections were very exciting in many places in the east, but took place generally without fraud or violence, scoring a heavy victory for the anti-state rights party.

So clear a verdict from the voters at first decided the anti-federal leaders to reject the Constitution absolutely and finally. But before the Hillsboro convention met, July 21, 1788, ten states, among them influential Virginia, had ratified. This had a certain weight with the opponents of the Constitution in North Carolina. Jones, therefore, announced¹¹ his purpose of procuring rejection in order to give weight to the amendments which the states generally were preparing as they ratified. This program was altered slightly toward the end of the convention under pressure from the strong array of federalist leaders who found seats in the convention. But the utmost concession the anti-federal majority would make was non-adoption instead of direct rejection. To the final resolution,¹² referring the question to a possible later convention, was appended a declaration of rights and a list of twenty-six amendments¹³ to be laid before Congress at its first session. The first of these guaranteed the reserved rights of the states; the remainder were for the most part restrictions upon the federal executive

¹⁰ *Ibid.*, II, 183. Maclaine to Iredell.

¹¹ McRee, II, 230. Davie to Iredell, July 9, 1788.

¹² Elliot's Debates, IV, 242.

¹³ Elliot's Debates, IV, 244.

and judiciary and an enlargement of the powers of Congress at the expense of the other two branches. The decisive vote showed the opponents of adoption an even hundred in the majority. The convention adjourned *sine die* on August 4.

But the example of the other states began at once to work like leaven. News of New York's ratification came immediately after the adjournment at Hillsboro. This left only Rhode Island and North Carolina without the federal pale. Public opinion grew uncertain. The federalist leaders renewed their activity, determined to secure a majority in the new Assembly that would meet in November. Governor Johnston also aroused the friends of the Constitution everywhere to prepare petitions¹⁴ to lay before the Assembly for a new convention.

The swing of the political pendulum was now toward federalism. Jones exerted all his powers to stay its momentum, but the opposition made large gains everywhere except in his own district. When the Assembly met, its membership was found to be almost evenly divided between the parties. The petitions came in in large numbers. It was evident that public opinion now demanded that the Constitution should be considered anew. North Carolina, completely out of relation with the other states, evidently felt lonely. Moreover, she feared trade discrimination by the new-formed Union. A convention bill was, therefore, prepared and passed; but the anti-federalists were strong enough to fix its date of meeting six months later than that upon which the first Congress of the new Union was to convene.

When the first Congress met, in April, 1789, there was some disposition manifested to treat North Carolina and Rhode Island as actual foreign States. Impost and tonnage bills introduced early in the session contained proposals to

¹⁴ These petitions are in manuscript in the N. C. Archives, office of Secretary of State, Raleigh.

lay discriminatory duties upon their trade with the Union. Hugh Williamson, accredited agent of North Carolina to the government of the Union, memorialized Congress against such a course and urged forbearance.¹⁵ Only a little time, he said, was needed to bring his state into the Union. The proposed hostile clauses, however, were never pressed, the attitude of the Union toward the states outside being one of courteous invitation. Some of the states already in perhaps felt as did the fox in the fable: having lost their own tails they wished others to dispense with brushy adornment. Already southern public men had begun to recognize a "southern interest" as opposed to northern interests and now devoutly wished for the accession of North Carolina as a means of preserving the balance of power.¹⁶

The second North Carolina convention called to consider the federal Constitution met November 16, 1789, and five days later passed an ordinance of ratification by a majority of 118 votes. The journal¹⁷ of the six days session contains the bare outline of the proceedings, hence it is impossible to determine the spirit of the debates unless extant correspondence of federalists be accepted. Governor Johnston wrote that the opposition was "still violent and virulent," and Davie upon the first day was doubtful whether ratification could be effected.¹⁸ But Davie had signally failed to correctly estimate the rapidity with which sentiment for union had ripened since the adjournment at Hillsboro, now more than a year past. Moreover, the position the federalist leaders themselves had taken in defense of the Constitution had labeled them as thorough State rights men provided they had the state once inside the Union. Their speeches in the

¹⁵ Williamson to Congress. Ms. State Archives.

¹⁶ Pierce Butler, of S. C., to James Iredell. McRee, II, 263.

¹⁷ Journal of the Fayetteville Convention, 1789, in N. C. State Records, XXII, 36-53.

¹⁸ McRee, II, 271. Davie to Iredell.

Hillsboro convention, the propaganda they had industriously circulated after the convention, and their general attitude toward union conclusively shows that they regarded the Constitution as a mere federal compact and the general government as but the agents of the states creating it. With this view held persistently before the anti-federalists, enough of them bowed their heads to enable the state to give sanction to the Constitution.

Whatever form of government the logic of subsequent events may have shown the Constitution to have created, no one could become familiar with the spirit prevalent in both parties in North Carolina in 1789 without reaching the conclusion that adoption there was based on a belief that it created a governmental compact with powers given superior to the old Articles of Confederation only for the purpose of efficient administration. Though North Carolina entered the Union only after hesitancy and mature deliberation, yet her subsequent history conclusively proved her loyalty to it as long as its government represented her original interpretation of the Constitution.

Ratification in North Carolina had been effected during a surface reaction from the tendencies toward state individualism represented by Willie Jones. It was inevitable that a moderate reaction in the opposite direction should now occur. Adjustment to the new order of things could not be without certain jars and friction between federal and state authority. The anti-federalists soon formed themselves into the Republican party and assumed the role of critic. When excitement arose in the last months of 1790 over Alexander Hamilton's scheme for federal assumption of state debts, the popular branch of the North Carolina General Assembly, much opposed to assumption, refused¹⁹ by a vote of 55 to 26 to take the oath to support the

¹⁹ Journal of the House. N. C. State Records, XXI, 1021.

Constitution prescribed by Congress for such state officers as governors, members of legislatures and others. A second incident concerned the adjustment of the federal judiciary. A *writ of certiorari* was issued from the federal district court of North Carolina by direction of three of the United States Supreme Court Judges (Blair, Rutledge and Wilson), directed to the Court of Equity in North Carolina, for bringing up an equity case.²⁰ The state judges denied the Supreme Court's authority in the case and refused obedience to the *writ*. The General Assembly at once passed a vote of thanks to the judges for their defiance. The case was allowed to rest by the federal authorities and with the early reform of the judiciary was thrown out.

The General Assembly passed strong resolutions²¹ against the assumption and funding measures of Hamilton and peremptorily instructed the state's senators, Samuel Johnston and Benjamin Hawkins, to oppose any excise or direct tax by the federal government. It so happened that North Carolina's delegation to Congress, arriving late, was found to hold the balance of power relative to these measures. Hence the assumption program was laid aside for the time. Later it was brought forward and yoked with the question of a site for the federal capital, the well-known compromise resulting.

The federal excise laws of 1791, from which the assumptionists purposed to derive the funds to carry out their measures, occasioned great ferment in all the frontier regions of the United States. The greatest storm center was western Pennsylvania, the trouble there culminating in 1794 in the "Whiskey Rebellion." In western North Carolina, if resistance to the excise laws was less organized, it was none the less effective; federal collectors were powerless and dis-

²⁰ Dallas, U. S. Supreme Court Reports, II, 412.

²¹ N. C. State Records, XXI, 1054.

creetly remained out of the excited localities.²² The spirit of resistance spread also to the eastern counties²³ and the ferment did not abate until the excise laws were amended.

A general discontent with the measures Congress had deemed necessary for adjustment of the new regime now developed in North Carolina. The first political victim of the reaction was Samuel Johnston, who, regarded as the most uncompromising advocate of strong national powers, failed to secure reelection to the United States senate when his term expired in March, 1792. Alexander Martin, again in the confidence of the Republican party, was chosen as Johnston's successor. In the congressional elections of 1793 this party was successful in every district save one, the Scotch district in the Cape Fear region. With Johnston retired to private life the remaining federalist leaders now quietly supported the same state rights principles as the Republican party. James Iredell, whom Washington had appointed to the Supreme Court bench, set them the example in his dissenting opinion in the case of *Chisholm v. Georgia*.

This famous case sharply brought the states to consider anew the question of just what powers they had given up to the federal government. The issue involved, the right of suit of a state by a citizen of another state, was decided affirmatively, only one justice, James Iredell, dissenting. In his cogently reasoned opinion²⁴ Iredell argued that the individual states were successors to the sovereignty wrenched from the British crown. Upon this premise he built up his theory of divided and delegated sovereignty, holding that every state in the Union, in every instance where its sovereignty had not been delegated to the United States, was as completely sovereign as were the United States in respect

²² McRee, II, 330, 335. Davie to Iredell, Aug. 2, 1791.

²³ Johnston to Iredell, April 15, 1791.

²⁴ Dallas, U. S. Supreme Court Reports, II, 419-480.

to the powers conferred upon them by the federal compact. A state, therefore, remaining sovereign, could not be sued. Georgia acted upon Iredell's theory and defied the federal authority. The judgment remained unenforced until the eleventh amendment to the Constitution, ratified in 1798, removed such questions from the cognizance of the court, thus sanctioning Iredell's view.

The Republican party throughout the country had received Iredell's argument as an exposition of its own theory of a definite line of demarcation between the rights reserved by the states and those delegated to the federal government. The opinion is the more interesting in this connection because of Iredell's influence upon the ratification of the Constitution by North Carolina. His interpretation of the Constitution in the *Chisholm v. Georgia* case was in the same state rights spirit with which he had defended it in 1788-89.

The Alien and Sedition acts, passed by Congress in June and July, 1798, gave the Republicans their next opportunity to raise the state rights issue. Virginia and Kentucky protested vigorously in legislative resolutions characterizing the acts as a usurpation of power on the part of the federal government and therefore void. Wm. R. Davie, a federalist with mild state rights proclivities, was Governor of North Carolina at the date of reception of the Virginia and Kentucky resolutions. His zeal for the safety of the Union caused him to take the ground that at this juncture the Union's existence was in more danger than the rights of the states.²⁵ He therefore threw all his influence against any legislative cooperation with Virginia and Kentucky. Feeling ran high throughout the state. In a sharp party fight in the lower branch of the state legislature Davie's followers were successful in preventing action.²⁶ But the attitude of North

²⁵ McRee, II. Davie to Iredell, June 17, 1799.

²⁶ Journal of the N. C. House of Commons, 1798, p. 78.

Carolina toward the "doctrine of 1798" was one of friendliness. Her non-action was due to disinclination on the part of the state administration to encourage dissension at a time of such high party feeling.

The federalist party in North Carolina practically expended the last of its strength in the presidential election of 1800. General apprehension for the safety of the Union aroused by the Jay treaty, the Alien and Sedition Acts, and the "Resolutions of '98" enabled them to carry four electoral districts, but after this election the party became disorganized and had no leaders of note. The Republican party now had practically uncontested control of the state with indications predicting a long tenure of power. Nathaniel Macon, a worthy disciple of Willie Jones and with even more ultra-democratic principles than his preceptor, became the party chief. His position in national politics as speaker of the House of Representatives from 1801 to 1806 did not lessen his interest in state party affairs. Through the decade of national humiliation at the hands of England and France he held the state in firm support of the Republican administration. When the New England federalists met at Hartford in 1814 and threatened to secede as a protest against the war with England, North Carolina republicanism, mindful of its cardinal doctrine, state rights, conceded their right to speak. But the concession was coupled with the demand that they should speak through their legislatures and at a time when all were not endangered by a public enemy; in short, that "they should speak like Americans."²⁷

From 1815 to 1820 North Carolina, in common with the rest of the Union, enjoyed a period of political quiet. The Union, now that it had stood the test of a foreign war, became

²⁷ *Raleigh Register*, Dec. 8, 1814, and Jan. 27, 1815. This paper was the official organ of the Republican party in N. C.

a fixture in the political conceptions of the people. Sentiment, as well as political wisdom and experience, was beginning to form a bulwark for its protection.²⁸

The period of calm was soon broken, however, by the development of a serious political contest between the North and the South over slavery extension. The issue was joined over the admission of Missouri as a slave state, ending in the well-known Missouri Compromise. Though the North Carolina legislature gave no official utterance to the state's sentiment upon the question, the newspapers earnestly thrashed the matter over and thus we are able to learn the general state of public opinion. The *Raleigh Register*, official mouth-piece of the Republican state organization, decidedly opposed as unconstitutional any restrictions upon Missouri.²⁹ The *Minerva*, claiming no party affiliations but representing the known sentiment of certain detached groups,³⁰ and undoubtedly a respectable minority, assumed a very different attitude. It said, January 28, 1820: "We doubt whether it be possible to answer Mr. King's speech of the last session against granting to this new State (Missouri) the privilege of holding our fellow-men in bondage. Yet our Northern brethren will generously remember that it is not always possible for the most honest to be just." A month later the same paper asserted the constitutionality of restriction,³¹ and added: "It is equally certain that true policy forbids the *extension*, as it submits to the *toleration* of slavery." Two weeks later the *Minerva* declared an open and definite

²⁸ 17 *Nile's Register*, 31, has a very interesting account at this date of a fervent prayer for the preservation of the Union, uttered by a North Carolina Revolutionary patriot upon his death bed.

²⁹ *Raleigh Register*, March 3, 1820, *et seq.*

³⁰ These groups were the Quaker counties—Guilford, Randolph, and Chatham; the Moravian center at Salem, and much of the mountain country.

³¹ *Minerva*, Feb. 11, 1820.

hostility to slavery extension and began to advocate³² some form of gradual emancipation in the states.

Such sentiment, however, was unorganized and ineffectual and by no means represented the controlling forces within the state. Nathaniel Macon, now in the United States senate, represented as always the state rights republicanism of the eastern North Carolina slaveholder. He opposed to the end the whole plan of the compromise on the ground that it would mean an admission on the part of the South that Congress could set metes and bounds to slavery.

During the tariff and nullification controversy of 1828-33 North Carolina pursued the course she felt best fitted to secure a repeal of the obnoxious tariff and at the same time preserve her original attitude toward state rights, without endorsing the radical activity of South Carolina. Just after the tariff bill of 1827 so nearly became a law, Governor Iredell, anticipating that the protectionists would again bring forward their measure at the next session of Congress, recommended³³ to the North Carolina General Assembly to put on record some form of protest. Accordingly at this time a resolution³⁴ was passed which declared that any increase of import duties by Congress was inexpedient and unwise. That this simple resolution might the more effectively gain the ear of Congress a preamble was attached which admitted the constitutionality of such duties but declared nevertheless that "interest, either pecuniary or political, is the great point of union from the smallest association up to the Confederacy of American States: that whenever a system is adopted by the general government which does not equally conserve the interests of all the states, then the right rests with any state

³² *Ibid.*, Feb. 25, 1820.

³³ Message, Nov. 29, 1827, Executive Letter-book. Governor Iredell was the son of Judge James Iredell, of the U. S. Supreme Court. The father had died in 1799.

³⁴ Journal of N. C. Gen. Assy., 1827-28, p. 101.

or States to question whether the benefits of the Union are not more than counterbalanced by its evils." This had the ring of Hartford convention doctrine, but was unavailing, Congress passing the "tariff of abominations" one month later.

A storm of protest was raised at once throughout the South. But with Adams's defeat by Jackson in November, 1828, the belief became current in North Carolina that the tariff would be repealed almost immediately.³⁵ Events drifted, however, and nothing was done. The Hayne-Webster debate occurred in January, 1830, and intensified interest in the strained situation. Though not yet quite ready for action, the course South Carolina would pursue was a foregone conclusion. The question before the Union, therefore, was how far that state would be supported by the other southern states.

For North Carolina this question was answered directly by the people on Independence Day, 1830. Fourth of July celebrations were held in nearly every county in the state and were made the occasion of a plebiscite on the South Carolina doctrine. At Asheboro the following theme inspired the orator of the day and evoked the applause of the people: "The union of the States—united we stand, divided we fall! He who wantonly engenders a feeling of hostility between the States instead of soothing it to harmony is a traitor to his country. Let no such man be trusted." At Hillsboro: "State Rights and Federal Powers—if the line of demarcation between them, as drawn by the framers of the Constitution, be preserved unobscured by the refinements of construction, our Union will stand throughout time as the proud monument of a free people to govern themselves." At Fayetteville: "Our Sister State—South Carolina. We

³⁵ This view was expressed by the newspapers, and in Governor Owen's message to Assembly, Nov. 19, 1829. Ms. Letter-book.

esteem her worth but deprecate her example. We therefore hold her *in union* a friend, in *disunion* an enemy to our political institutions.”³⁶ Speaker vied with speaker everywhere in expression of dissent from South Carolina’s doctrine of nullification, though at the same time care was taken to soundly rap the tariff. Calhoun’s reasoning might be without a flaw, but just now the blessings of union seemed dearer to North Carolina than statesmen’s logic.

When the annual Assembly met in November it was expected to register officially the will of the people upon the subject of nullification. Accordingly resolutions³⁷ in the following form were introduced by Jonathan Worth, a Quaker member, and, after heated debate and slight amendment, passed the lower branch by a vote of 87 to 27: “Resolved, by the General Assembly of North Carolina: That although the Tariff Laws as they now exist are in the opinion of this Legislature unwise, unequal in their operation, and oppressive to the Southern States, yet this Legislature does not recognize as constitutional the right of an individual state to nullify a law of the United States.” The twenty-seven members who opposed this resolution were extreme state rights men and were actuated by a fear that the repudiation of nullification might mean the first successful assault upon particularism. They therefore preferred to make no concession, even as to the questionable doctrine of nullification. The senate agreed with the house minority and refused to commit itself. The larger freehold qualifications required for membership in the senate made this branch of the legislature less responsive than the house to popular sentiment, therefore, more representative of the old par-

³⁶ These toasts are chosen as typical of a great many reported by the press throughout the State. See *Raleigh Register* and *Carolina Watchman* of July 12, 1830.

³⁷ House Journal, Dec. 31, 1830, p. 257.

ticularism of the east. The senate favored resolutions which emphasized the reserved rights of the states and condemned the tariff as a usurpation of power by the Federal government.³⁸ But it was not prepared to antagonize the popular branch and public sentiment further than to remain silent.

The famous Nullification Ordinance of South Carolina, the result of a state convention in 1832, brought the controversy to a crisis. The North Carolina legislature was in session when the ordinance was received. The senate could no longer stay the tide of dissent. The pressure for anti-nullification resolutions was too strong to be resisted. Some attempt was made by the senate to link the tariff with the question of internal improvements and make the two together a cause for requesting all the states to meet in a federal convention for the purpose of giving an authoritative interpretation of all the constitutional questions in dispute. This plan failed, however, and the two houses then came to an agreement and passed anti-nullification resolutions.³⁹ These resolutions contained both the declaration that the tariff was unconstitutional and that nullification was revolutionary and subversive of the Constitution. They were thus a compromise between the senate and the house, between the old state rights dogma and the new sentiment.

But the repudiation of the doctrine of nullification by North Carolina can in no sense be interpreted as a repudiation of the doctrine of state rights as held at the time of the formation of the Union. Numerous mass-meetings in the counties attest the people's endorsement of the legislature's final action, but only one has been discovered by the writer in which the sentiment was expressed that the United States constituted one great political society and the govern-

³⁸ The Senate favored the "Sawyer Resolutions." These were of a strong state rights tone. See N. C. House Journal, 1830, 175.

³⁹ N. C. Senate Journal, 1832-33, 99; and House Journal, 1832-33, 224-225.

ment thereof essentially a national government.⁴⁰ On the other hand, there was abundant evidence in mass-meetings, in the press, in the correspondence of public men, and in the Legislature which shows a spirit anxious to find a way to repudiate nullification and at the same time save the original state rights doctrine. A letter to a party friend from the aged Nathaniel Macon, now in voluntary political retirement, probably expresses as accurately as could be done the attitude of the thinking public. He said: "I have never believed a State could nullify and stay in the Union, but have always believed that a State might secede when she pleased, provided she would pay her proportion of the national debt; and this right I have considered the best safeguard to public liberty and public justice that could be required."⁴¹ It was in consistency with this theory and under its impulsion that North Carolina left the Union in 1861.

⁴⁰ Such resolutions were passed in the town of Wilmington, which, strange to say, was later the strongest secession center in the State. For resolutions see *Raleigh Register*, Jan. 4, 1833.

⁴¹ Dodd. Life of Nathaniel Macon, 385. Macon to Samuel P. Carson, Feb. 9, 1833.

THE NAG'S HEAD PICTURE OF THEODOSIA BURR.*

BY BETTIE FRESHWATER POOL.

The sand dunes of North Carolina have long been famous as the scene of marine tragedies. The bleaching ribs of some of the stateliest craft that ever plowed the deep bear testimony to the ravages of old ocean. The English merchantman, the Portuguese galleon, the Dutch brigantine, the Spanish treasure ship, the French corvette, the Norwegian barque, representatives of every maritime nation on the globe, are scattered over the beach, from Hatteras to Cape Fear, their grisly skeletons protruding from the sands like antediluvian monsters in some geological bed.

This narrow strip of sand winding like a yellow ribbon between the inland sounds and the sea, presents a curious study to the geologist. For years it has been gradually sinking, and at the same time becoming narrower, until now its average width is not more than a mile, and the libertine waters of the great sea not seldom rush across the frail barrier to embrace those of the Albemarle.

The slender divide has not always been able to withstand the matchless flood, which has, in times of unusual commotion, literally cut a pathway through the yielding sands. These form inlets, of which Oregon, Hatteras and New are the most important. Through the first Burnside's fleet of warships defiled on its way to the bombardment of Roanoke Island. The channels are constantly changing, and skillful pilots are required to guide vessels safely over the bar.

*This article from "The Eyrie and Other Southern Stories," by Bettie Freshwater Pool, is published by permission of the author.



SUPPOSED PORTRAIT OF THEODOSIA BURR ALSTON.

The ornithologist may here find much to interest him, and the conchologist revel in a paradise of shells. But the nautilus, pale and pearly, and the delicate blush of the sea conch, have small influence on the rude nature of the native "banker." Isolated from the world on his barren waste of shifting sand the "banker" of a hundred years ago was almost a barbarian. His savage instincts not only made him consider all flotsam and jetsam his lawful property, but induced him to use every means to lure vessels ashore for the purposes of plunder. And when a wreck occurred, the wreckers held high carnival. The sparse population turned out *en masse*, and with demoniac yells, murdered without remorse the hapless victims who escaped the raging surf. Nag's Head, a favorite summer resort along the coast, was named from a habit the "bankers" had of hobbling a horse, suspending a lantern from its neck and walking it up and down the beach on stormy nights, impressing the mariner with the belief that a vessel was riding safely at anchor. Through this device many a good ship has gone down and much valuable booty secured to the land pirates.

The "bankers" of to-day are different beings from their ancestors of a century ago. Fellowship with enlightened people has had a humanizing influence, and they are now good and useful citizens. The North Carolina coast is provided with three first-class lighthouses—Hatteras, Whale's Head, and Body's Island. Body's Island is no longer an island, Nag's Head Inlet, which formed its northern boundary, having been completely closed up by the encroaching sands.

The dunes, for most part barren of vegetation, have in some places a stunted growth of forest trees, and in others large marshes covered with a rank growth of coarse grass, on which herds of wild cattle and "banks ponies" graze.

In the winter of 1812 there drifted ashore at Kitty Hawk, a few miles below Nag's Head, a small pilot boat with all sails set and the rudder lashed. There was no sign of violence or bloodshed; the boat was in perfect condition, but entirely deserted. The small table in the cabin had been spread for some repast, which remained undisturbed. There were several handsome silk dresses, a case of wax flowers with a glass covering, a nautilus shell beautifully carved, and hanging on the wall of the cabin was the portrait of a young and beautiful woman. This picture was an oil painting on polished mahogany, twenty inches in length and enclosed in a frame richly gilded. The face was patrician and refined: the expression of the dark eyes proud and haughty; the hair dark auburn, curling and abundant. A white bodice, cut low in the neck and richly adorned with lace, revealed a glimpse of the drooping shoulders, and the snowy bust, unconfined by corset.

Those who boarded the boat possessed themselves of everything of value on board. The picture, wax flowers, nautilus shell and silk dresses fell into the possession of an illiterate banker woman, who attached no especial value to them.

This picture, which has since attracted so much attention, hung on the wall of a rude cabin among the North Carolina hills for fifty-seven years. In the year 1869 it fell into the possession of the late Dr. William G. Pool, a prominent North Carolina physician. Dr. Pool was a man of marked individuality. He had the tastes of an antiquarian, was literary, cultured, and noted for his remarkable conversational gifts. While summering at Nag's Head, he was called upon to visit professionally the old banker woman referred to above. He was successful in his treatment of the case, and knowing the circumstances of his patient, would accept no payment for his services. In her gratitude for his kindness, the old woman insisted upon his accepting, "as a gift,"

the portrait hanging on the wall of her cabin. When questioned concerning its history, she related the facts above mentioned. This she did with apparent reluctance, possibly suppressing many interesting details that might have thrown more light upon the subject. Her husband had been one of the wreckers who boarded the pilot boat, and the picture and other articles referred to had been his share of the spoils. Her story was that the wreckers supposed the boat to have been boarded by pirates and that passengers and crew had been made to "walk the plank." The picture and its strange history became a subject of much interest and conjecture to Dr. Pool. Artists pronounced it a masterpiece, and the unmistakable portrait of some woman of patrician birth.

Chancing one day to pick up an old magazine in which appeared a picture of Aaron Burr, Dr. Pool was forcibly struck by the strong resemblance between it and the portrait in question. Like a flash it occurred to him that this might be a likeness of Theodosia, the ill-fated daughter of Aaron Burr. Eagerly he compared dates and facts until he became thoroughly convinced that he had found a clue to that mysterious disappearance, which is one of the most awful tragedies of history. A brief account of this discovery was published in the *New York Sun*, and immediately letters innumerable were received by him asking for more particulars.

Photographs of the portrait were sent to the numerous members of the Burr and Edwards families, and almost without exception the likeness was pronounced to be that of Theodosia Burr. Charles Burr Todd, the author, and Mrs. Stella Drake Knappin, descendants respectively of the Burr and Edwards families, visited Dr. Pool's residence on Pasquotank River for the purpose of examining the portrait. They were both convinced that it was a likeness of Theodosia Burr.

The wife of Colonel Wheeler, of Washington, D. C., who is a daughter of Sully, the famous portrait painter, and is herself an artist, compared a photo of the Nag's Head picture with a likeness of Theodosia Burr in her possession. She at once perceived that both features and expression were identical.

There was probably no woman in America at the time of Theodosia Burr's death more universally known and admired than she. Her high social rank, her beauty, her genius, her accomplishments, as well as her heroic devotion to her father in the dark days of his disgrace and banishment, had made her a prominent figure and had won for her the admiration of thousands.

When Aaron Burr, upon his return from exile, sent for his daughter to visit him in New York, she decided to make the voyage by sea. Her health had been almost completely wrecked by grief over her father's disgrace, and the recent death of her only child, Aaron Burr Alston. It was thought that a sea voyage might prove beneficial. She accordingly set sail from Georgetown, S. C., in the *Patriot*, a small pilot boat, December 30, 1812. Days and weeks passed, but Aaron Burr waited in vain for the arrival of his daughter. Months and years rolled away and still no tidings came. The *Patriot* and all on board had completely vanished from the face of the earth, and the mystery of its disappearance remained unsolved for more than half a century.

Governor Alston did not long survive the loss of his beloved wife, and Aaron Burr, in speaking, years afterwards of his daughter's mysterious fate, said that this event had separated him from the human race.

Let us now compare dates and facts: A pilot boat drifts ashore during the winter of 1812 at Kitty Hawk, a few miles below Nag's Head. There were silk dresses in the cabin

and other indications that some lady of wealth and refinement has been on board. There is a portrait on the wall of the cabin that has been pronounced by artists and members of her family to be a likeness of Theodosia Burr.

The *Patriot* was lost during the winter of 1812. On the voyage from Georgetown, S. C., to New York it would pass the North Carolina coast. The sea at this time was infested by pirates. A band of these bold buccaneers may have boarded the little vessel and compelled passengers and crew to "walk the plank." Becoming alarmed at the appearance of some government cruiser, they may, from motives of prudence, have abandoned their prize.

This theory is not mere conjecture. Years ago two criminals executed in Norfolk, Va., are reported as having testified that they had belonged to a piratical crew who boarded the *Patriot* and compelled every soul on board to "walk the plank." The same confession was made years subsequently by a mendicant dying in a Michigan almshouse. This man said he would never forget the beautiful face of Theodosia Burr as it sank beneath the waves, nor how eloquently she pleaded for her life, promising the pirates pardon and a liberal reward if they would spare her. But they were relentless, and she went to her doom with so dauntless and calm a spirit that even the most hardened pirates were touched.

I can not vouch for the truth of these confessions which have appeared from time to time in print. I only introduce them as collateral evidence in support of the banker woman's story. The *Patriot* was supposed to have been wrecked off the coast of Hatteras during a terrific storm which occurred soon after it set sail. This, however, was mere conjecture which has never been substantiated by the slightest proof.

It is not improbable that the *Patriot* during a night of

storm was lured ashore by the decoy light at Nag's Head, and that passengers and crew fell into the hands of the land pirates in waiting, who possessed themselves of the boat and everything of value it contained. This also, of course, is mere conjecture, but the all-important fact remains that a pilot boat went ashore at Kitty Hawk during the winter of 1812, and that in the cabin of this boat was a portrait of Theodosia Burr.

BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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

MRS. WALTER CLARK.

The sketch of General Joseph Graham is written by his granddaughter, Mrs. Susan Graham Clark, who is the wife of Chief Justice Clark, one of the foremost historians of our State. She is the only daughter of the late Honorable William Alexander Graham, the learned lawyer and ripe scholar, who filled so many positions of honor and trust, notable among them being that of United States Senator in 1840, Governor in 1845, and Confederate States Senator in 1864. Mrs. Clark was born in Washington, D. C., while her father was Secretary of the Navy during the administration of President Fillmore. A suggestion made by Governor Graham to fit out an expedition to Japan resulted in one of the greatest events of the nineteenth century—the opening of the ports of that country to the world. Had he done nothing else, this alone would place him on the highest roll of fame.

Mrs. Clark received her primary education at the Misses Nash and Miss Kollock's School in Hillsboro, N. C., and afterwards at Mlle. Rostand's in New York City. She lived in Hillsboro, N. C., until her marriage in 1874, since which time she has resided in Raleigh, where she exerts a potent influence in her church and in other associations.

Mrs. Clark is Vice-Regent of the North Carolina Society of the Daughters of the Revolution, filling the place most acceptably, holding the meetings in the absence of the Regent, conducting and furthering with zest and conservatism such movements as are made for the preservation of our State history or the commemoration of important events.

Mrs. Clark has been repeatedly called to the office of Regent, the highest office within the gift of the Society, but a frail constitution forbade such active work as this position

would entail. Mrs. Clark belongs to such organizations as the Associated Charities, the Civic Department of the Woman's Club, and the Rescue Circle of King's Daughters.

"True to the kindred points of Heaven and Home," Mrs. Clark's daily life is an exponent of her character. She claims as her jewels five sons and two daughters.

HENRY McGILFERT WAGSTAFF.

Author of "State Rights in North Carolina Through Half a Century."

Born at Olive Hill, Person County, North Carolina, January 27, 1876.

Attended the public schools; was prepared for college at Roxboro Academy and by private instruction. Entered the University of North Carolina in 1895, and graduated 1899.

Taught three years (1899-1902) in high schools of the State.

Entered Johns Hopkins University in 1903 for graduate work in History. In 1905-6 was fellow in History at the Hopkins and received Ph.D. degree in latter year. 1906-7 was Acting Professor of History in Allegheny College, Pennsylvania. 1907-9 was Associate Professor of History in University of North Carolina, and in 1909 became Professor of History in this institution.

Professor Wagstaff has always taken a lively interest in all history, but has made an especial study of the history of North Carolina from a love for his native State. His ability and industry in this line entitle him to be grouped with those historians of the past and present who have made and are making "God and their country's right their battle cry."

MISS BETTIE FRESHWATER POOL.

Author of Article on "Nags Head Picture" Biographical Sketch.

Biographical sketch may be found in No. 4 of Vol. VIII, page 334.

ABSTRACT OF WILLS PREVIOUS TO 1760.

FROM SECRETARY OF STATE'S OFFICE.

Will of Lawrence Arnold, Dec. 14, 1690. Son John, wife, Lawrence Godfrey.

Will of Richard Ashell; executed Sept. 15, 1695. Wife, daughter Mary, child *in esse*, all my children, Wm. Privett and Wm. Charlton. (Note—Chowan names.)

Will of Peter Avelin, March 14, 1710; probated Nov. 1, 1712. Sons Henry, Peter and John, daughter Anne.

Will of Abraham Adams; Dec. 18, 1734. Son James Adams, son Joseph, daughter Sarah, wife Anne.

Will of James Adams; Feb. 17, 1733; probated July, 1734. Son Abraham, son James, son Emanuel, son John, son Thomas, daughter Martha, daughter Rachel, daughter Mary, child of Rachel.

Will of Abraham Adams; March 27, 1734. Son Abraham, son Richard, son William, son Willoby, wife Barthia.

Will of John Battle of Bertie County; probated May Court, 1740; son William, son Jesse, daughters Priscilla and Sarah, brother William Battle, wife Sarah Battle, John Brown, brother to my wife.

Will of James Burns, Bertie County; January 8, 1733; probated March 31, 1735. Wife Elizabeth, son-in-law John Wynn, grandson George Augustus Wynn, son-in-law Culliner Sessoms, daughter Mary Wynn, daughter Elizabeth Early, grandson James Early, James Burke, William Burke, John Askew, goddaughter Martha Davis.

Will of William Boge; Dec. 20, 1720; probated April 11, 1721. Sons William and Josiah, wife Ellendor, daughter Elizabeth Hill, daughter Jane Boge, daughter Miriam Boge, daughter Rachel Boge, grandson William Hill, son Robert; Wm. Boge and Janet Hill, executors.

Will of John Bennett, of Currituck; Dec. 10, 1710. Sons Joseph and Benjamin, cousin Wm. Jones, of Northamptonshire, wife's grandfather Richard Nescut of South Pedecton in Somersetshire, adopted son Sampson Goddard, wife Mary executrix.

By MRS. HELEN DEB. WILLS,
Genealogist for N. C. Daughters of the Revolution.

INFORMATION

Concerning *the* Patriotic Society

"Daughters of the Revolution"

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.

"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.

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 eight 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.

Some Booklets for Sale

Vol. I

"Greene's Retreat," Dr. 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," Dr. K. P. Battle.

"Historic Homes—Bath, Buncomb Hall, Hayes," Rodman, Blount, Dillard.

"County of Clarendon," Prof. John S. Bassett.

"Signal and Secret Service," Dr. Charles E. Taylor.

"Last Days of the War," Dr. Henry T. Bahnson.

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"Trial of James Glasgow," Kemp P. Battle, LL.D.

"Volunteer State Tennessee as a Seceder," Miss Susie Gentry.

"Historic Hillsboro," Mr. Francis Nash.

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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," Mr. Daniel Goodloe.

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"Battle Ramseur's Mill, 1780," Major Wm. A. Graham.

"Quaker Meadows," Judge A. C. Avery.

"Convention of 1788," Judge Henry Groves Connor.

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"The Scotch-Irish Settlement," Rev. A. J. McKelway.

"Battle of Guilford Court-house and German Palatines in North Carolina," Major J. M. Morehead, Judge O. H. Allen.

"Genesis of Wake County," Mr. Marshall DeLancey Haywood.

Vol. V.—(Quarterly).

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"St. Paul's Church, Edenton, N. C., and its Associations," Richard Dillard, M.D.

"N. C. Signers of the National Declaration of Independence, Part II, William Hooper," Mrs. Spier Whitaker.

No. 2.

"History of the Capitol," Colonel Charles Earl Johnson.

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No. 4.

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"Battle of Cowan's Ford," Major W. A. Graham.

"First Settlers in North Carolina Not Religious Refugees," Rt. Rev. Joseph Blount Cheshire, D.D.

Vol. VI—(Quarterly.)

No. 1.

"The Indian Tribes of Eastern North Carolina," Richard Dillard, M.D.

"History Involved in the Names of Counties and Towns in North Carolina," Kemp P. Battle, LL.D.

"A Colonial Admiral of the Cape Fear" (Admiral Sir Thomas Frankland), Hon. James Sprunt.

"Biographical Sketches: Introduction; Maj. Graham Daves." By Mrs. E. E. Moffitt.

October, No. 2.

"The Borough Towns of North Carolina," Mr. Francis Nash.

"Governor Thomas Burke," J. G. de Roulhac Hamilton, Ph.D.

"Colonial and Revolutionary Relics in the Hall of History," Col. Fred. A. Olds.

"The North Carolina Society Daughters of the Revolution and its Objects."

"Biographical Sketches: Dr. Richard Dillard, Mr. Francis Nash, Dr. J. G. de R. Hamilton and Col. Fred A. Olds," Mrs. E. E. Moffitt.

January, No. 3.

"State Library Building and Department of Archives and Records," Mr. R. D. W. Connor.

"The Battle of Rockfish Creek, 1781," Mr. James Owen Carr.

"Governor Jesse Franklin," Prof. J. T. Alderman.

"North Carolina's Historical Exhibit at Jamestown," Mrs. Lindsay Patterson, Miss Mary Hilliard Hinton.

"Biographical Sketches: Mrs. S. B. Kenneday, R. D. W. Connor, James Owen Carr and Prof. J. T. Alderman," Mrs. E. E. Moffitt.

April, No. 4.

"Lock's Fundamental Constitution," Mr. Junius Davis.

"The White Pictures," Mr. W. J. Peele.

"North Carolina's Attitude Toward the Revolution," Mr. Robert Strong.
Biographical Sketches: Richard Benbury Creecy, the D. R. Society and Its Objects, Mrs. E. E. Moffitt.

Genealogical Sketches: Abstracts of Wills; Scolley, Sprott and Hunter, Mrs. Helen de B. Wells.

Vol. VII. (Quarterly.)

July, No. 1.

"North Carolina in the French and Indian War," Col. A. M. Waddell.

"Locke's Fundamental Constitutions," Mr. Junius Davis.

"Industrial Life in Colonial Carolina," Mr. Thomas M. Pittman.

Address: "Our Dearest Neighbor—The Old North State," Hon. James Alston Cabell.

Biographical Sketches: Col. A. M. Waddell, Junius Davis, Thomas M. Pittman, by Mrs. E. E. Moffitt; Hon. Jas. Alston Cabell, by Mary Hilliard Hinton.

Abstracts of Wills. Mrs. Helen DeB. Wills.

October, No. 2.

"Ode to North Carolina," Miss Pattie Williams Gee.

"The Finances of the North Carolina Colonists," Dr. Charles Lee Raper.

"Joseph Gales, Editor," Mr. Willis G. Briggs.

"Our First Constitution, 1776," Dr. E. W. Sikes.

"North Carolina's Historical Exhibit at Jamestown Exposition," Miss Mary Hilliard Hinton.

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"General Robert Howe," Hon. John D. Bellamy.

"Early Relations of North Carolina and the West," Dr. William K. Boyd.

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Biographical Sketches: John Dillard Bellamy, William K. Boyd, William B. McKoy. By Mrs. E. E. Moffitt.

April, No. 4.

"St. James's Churchyard" (Poem), Mrs. L. C. Markham.

"The Expedition Against the Row Galley 'General Arnold'—A Side Light on Colonial Edenton," Rev. Robt. B. Drane, D.D.

"The Quakers of Perquimans," Miss Julia S. White.

"Fayetteville Independent Light Infantry," Judge James C. MacRae.

Biographical Sketches: Mrs. L. C. Markham, Rev. R. B. Drane, Miss Julia S. White, Judge James C. MacRae. By Mrs. E. E. Moffitt.

Vol. VIII.—(Quarterly)

July, No. 1.

"John Harvey," Mr. R. D. W. Connor.

"Military Organizations of North Carolina During the American Revolution," Clyde L. King, A.M.

"A Sermon by Rev. George Micklejohn," edited by Mr. R. D. W. Connor.

Biographical and Genealogical Sketches: R. D. W. Connor, Clyde L. King, Marshall DeLancey Haywood, by Mrs. E. E. Moffitt.

"Abstracts of Wills," Mrs. Helen DeB. Wells.

October, No 2.

"Convention of 1835," Associate Justice Henry G. Connor.

"The Life and Services of Brigadier-General Jethro Sumner," Kemp P. Battle, LL.D.

"The Significance of the Mecklenburg Declaration of Independence," Prof. Bruce Craven.

"Biographical and Genealogical Sketches: Judge Henry G. Connor, Kemp P. Battle, LL.D., Prof. Bruce Craven," by Mrs. E. E. Moffitt.

January, No. 3.

"The Mecklenburg Declaration of Independence," Mr. A. S. Salley, Jr.

"The Mecklenburg Declaration of Independence," Prof. Bruce Craven.

"Mr. Salley's Reply."

"Mr. Craven's Rejoinder."

"Biographical and Genealogical Sketches: Prof. Bruce Craven, Mr. Alexander, S. Salley, Jr.," by Mrs. E. E. Moffitt.

"Patriotic Objects."

"Information Concerning the Patriotic Society D. R."

April, No. 4.

"Unveiling Ceremonies."

"Carolina," by Miss Bettie Freshwater Pool.

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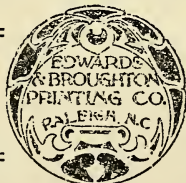
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JANUARY, 1910

No. 3

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PUBLISHED QUARTERLY
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DAUGHTERS OF THE REVOLUTION
RALEIGH, N. C.

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THE HISTORY OF LINCOLN COUNTY.

—
BY ALFRED NIXON.
—

THE COLONIAL PERIOD.

Lincoln County was born mid the throes of the American Revolution, and christened for a patriot soldier, then battling for independence. Prior to that time, while Carolina was a Province of Great Britain, in the bestowal of names there was manifest a desire to please royalty: New Hanover was called for the House of Hanover; Bladen, in honor of Martin Bladen, one of the Lords Commissioners of Trade and Plantations; Anson, set up in 1749 from Bladen, derived its name from Admiral Anson, of the English Navy, who in 1761 was charged with the mission of bringing to her marriage with George the Third, Charlotte of Mecklenburg. So, when the western part of Anson was set up into a county in 1762, it was called Mecklenburg, with county seat the Queen City of Charlotte, in compliment to the wife of His Majesty, George the Third. As the settlements extended westward from the Atlantic seaboard new counties were formed to meet the convenience of the inhabitants. In 1768, Mecklenburg was divided "by a line beginning at Earl Granville's line where it crosses the Catawba River and the said river to be the line to the South Carolina line, and all that part of the county lying to the westward of the said dividing line shall be one other distinct county and parish, and remain by the name of Tryon County and Saint Thomas Parish." The name Tryon was given in honor of His Excellency, William Tryon, Royal Governor of the Province.

William Tryon, an officer in the regular army of Great Britain, landed at Cape Fear October the 10th, 1764, with a commission as Lieutenant-Governor of the Province. His administration as Governor of North Carolina lasted from the death of Governor Dobbs, 28th March, 1765, to the 30th day of June, 1771, when he was appointed Governor of New York. In the rupture with Great Britain he was a Major-General in command of American Loyalists, vainly endeavoring to re-establish Royal Rule. He remained nominally Governor of New York until March 22, 1780. The name of Governor Tryon appears at the head of the list of names enumerated in the confiscation acts of both North Carolina and New York, and the county of Tryon in each of these States was enpunged from the map. Tryon Mountain and Tryon City in the county of Polk, and one of the principal streets in the city of Charlotte yet preserve his name. Shortly after relinquishing the government of New York, he sailed for England, where he rose to the rank of Lieutenant-General. He died in London, the 27th of January, 1788, aged 58 years.

The War of the Revolution rages. The patriots are battling for independence. Oppressions of the Royal Governor have made his name odious. "The large extent of the county of Tryon renders the attendance of the inhabitants on the extreme parts of the said county to do public duties extremely difficult and expensive. For remedy whereof," the General Assembly in 1779, instead of setting the western part off into a new county, as had been its custom, blotted the name of Tryon from the list of counties and divided its territory into two counties, "by a line beginning at the south line near Broad River, thence along the dividing ridge between Buffalo Creek and Little Broad River to the line of Burke County"; and to the two counties thus formed were given the names of two patriotic soldiers. The western portion was

named Rutherford in honor of Griffith Rutherford, of Rowan County, a Brigadier-General in the Revolution; and the eastern portion Lincoln, in compliment to Maj.-Gen. Benjamin Lincoln, of Rhode Island, commander of the Southern armies.

Benjamin Lincoln was born January 23d, 1733, at Hingham, about thirteen miles from Boston. In February, 1777, he was appointed Major-General in the Revolutionary Army and served with gallantry throughout the struggle. At the request of the delegation in Congress from South Carolina, he was assigned to command the Army in the South. In 1780 General Lincoln was forced to surrender to the superior force of the British at Charleston. When exchanged he resumed the service, and was at the surrender of Cornwallis at Yorktown, where the generous Washington designated him to receive the conquered arms of the British. He was appointed Secretary of War in 1781, with permission to retain his rank in the army. He died in the house of his birth 9th of May, 1810.

When Tryon was divided the Tryon court-house fell in Lincoln County, and the courts of Lincoln were held there until April, 1783, and the Tryon records are still in Lincolnton. The pioneers came into what is now Lincoln County between the years 1745 and 1749, when it was Bladen County; they continued to come until the American Revolution. So the pioneer history of Lincoln County is covered by Bladen, Anson, Mecklenburg and Tryon counties. The Tryon records cover ten years of the Colonial history of Lincoln County, 1769 to 1779. When Tryon was formed, the first settlers had not been here more than a score of years. The Tryon records contain many quaint things, mingled with matters of grave public concern, and a glance at them is of interest to the student of Lincoln County history.

TRYON COUNTY.

In a letter of Governor Tryon of date December 12th, 1768, he describes Tryon County as "forty-five miles in breadth due north and south and eighty miles due east and west it having been found to be that distance from the Catawba River to the western frontier line which was run last year between the Cherokee hunting grounds and this Province." The site for the public buildings was not fixed until 1774. As there was no court-house the courts during this time were held at private residences that happened to be convenient and suitable for the purpose.

The Tryon records begin with these words: "North Carolina, Tryon County. Pursuant to Act of Assembly of the Province aforesaid bearing date the fifth of December, 1768, in the ninth year of his Majesty's reign, for dividing Mecklenburg into two distinct counties by the name of Mecklenburg County and Tryon County and for other purposes in the said Act mentioned." His Majesty's commission under the great seal of the Province appointing certain justices to keep the peace for the county of Tryon is read. Ezekiel Polk, Clerk, John Tagert, Sheriff, and Alexander Martin, Attorney for the Crown, produce commissions and take oaths of office. Waightstill Avery produces license of attorney and takes oath of office.

The court records, beginning at April Sessions, 1769, are in the handwriting of Ezekiel Polk, the first clerk, who lived near King's Mountain. Ezekiel Polk removed to Mecklenburg County, and afterwards became famous through his grandson, James K. Polk, president of the United States.

The Tryon Courts were styled the "County Court of Pleas and Quarter Sessions." In this court deeds and wills were probated, estates settled, land entries recorded, guardians appointed, orphans apprenticed, highways opened, overseers appointed, and many other matters attended to. There were grand and petit juries and an "attorney for the crown."

These courts convened quarterly and continued without material change until the adoption of the constitution of 1868.

The courts of Oyer and Terminer, corresponding to our Superior Courts, were District Courts, several counties comprising one district. Tryon County was in the Salisbury District, and each County Court appointed its quota of jurors to attend the Salisbury Court. In 1782 the Salisbury District was divided, and Lincoln and other western counties were declared a separate district by the name of Morgan, where the Judges of the Superior Courts shall sit twice every year and hold a Superior Court of law. Lincoln County remained in the Morgan District, the courts being held at Morgan Town, until 1806, when a Superior Court was established in each county of the State to be held twice every year.

The Tryon Court was organized at Charles McLean's, and the Quarter Sessions for the years 1769, 1770, and 1771, were held at his house. He lived in the southern part of what is now Gaston County, on the headwaters of Crowder's Creek, near Crowder's Mountain. Charles McLean was an early, active, and zealous friend of liberty. At January Sessions 1770 he produced his Excellency's commission appointing him captain in the Tryon Regiment of Foot, and took the oath of office. In 1774 he was one of his Majesty's justices, and chairman of the committee appointed to select a permanent site for the court-house of Tryon County. He was a delegate from Tryon County to the Provincial Congress at Halifax, 4th April, 1776; also representing Tryon County in Assembly during the years 1777 and 1778. Between sessions, as colonel of the Tryon Regiment, he was actively engaged against western Tories.

The criminal docket of Tryon is marked "Crown Docket," and the indictments are brought in the name of the "King" or "Rex," as we now use "State." The minutes of a few cases tried at the first term will serve to show the administration of justice: "The King v. John Doe. Petty Larceny.

Jury empaneled finds the defendant guilty of the charge against him. Judgment by the Court that the defendant be detained in the Sheriff's custody till the costs of this prosecution be paid, and that at the hour of one o'clock of this day the said defendant on his bare back at the public whipping post receive thirty-nine lashes well laid on. "Rex. v. Thomas Pullham. Profane swearing. Submitted and fined five shillings." "The King v. John Case. Sabbath breaking. Defendant pleads guilty, fined ten shillings and the cost." "The King v. John Carson. Neglect of the King's Highway. Submitted and fined one shilling and sixpence." Letters testamentary granted Nicholas Welsh on the estate of John Welsh, deceased. William Wilson, appointed overseer of the road from the South Fork to Charles Town in that part between King's Mountain and Ezekiel Polk's; Charles McLean in that part between Ezekiel Polk's and the head of Fishing Creek. The road orders extend to the "temporary line between So. and No. Carolina." At October Sessions the claims against Tryon County for the year 1769, include a charter, twenty pounds expenses in sending for charter, eight pounds; Charles McLean, to two courts held at his house, five pounds; other items swell the amount to seventy-one pounds, sixteen shillings, and ten pence; and a tax of three shillings and two pence was levied on each of the 1221 taxable persons in Tryon County to meet the same.

At July Term, 1770, "Thomas Camel came into court and proved that the lower part of his ear was bit off in a fight with Steven Jones, and was not taken off by sentence of law; certified to whom it may concern." At a later term, "James Kelly comes into open court of his own free will and in the presence of said court did acknowledge that in a quarrel between him and a certain Leonard Sailor on the evening of the 2d day of June, 1773, he did bite off the upper part of the left ear of him, the said Leonard Sailor, who prays that

the same be recorded in the minutes of the said court." This confession gave James Kelly such standing in the esteem of his Majesty's Justices that at the same term it was "Ordered by the Court that James Kelly serve as constable in the room of George Trout and that he swear in before Thomas Espy, Esq." From the court entries biting off ears was a popular way of fighting, but whole ears were at least an outward sign of honesty.

An old parchment, yellowed with age, labeled "Charter of Tryon County," encased in a frame, with great wax seal appended hangs on the court-house walls. It is addressed in the name of his Majesty, "George the Third by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith, and so forth, To All and Singular our Faithful Subjects, Greeting," and is officially attested by "our trusty and well-beloved William Tryon, our Captain-General, Governor and Commander-in-Chief," at Wilmington, 26th June, 1769. It authorized Tryon County to elect and send two representatives to sit and vote in the House of Assembly.

The Quarter Sessions of 1772 were held at Christian Reinhardt's. The site of his house is now in the northern corporate limits of the town of Lincolnton, on the Ramsour Battle Ground. The Tories were encamped around his house, and after the battle it was used as a hospital. His house was built of heavy hewn logs, with a basement and stone foundation, that served some of the purposes of a fort both during Indian troubles and the Revolution. Some evidence of its strength is furnished by this item from the record of July Sessions, 1783: "Ordered by the Court that Christian Reinhardt's loft be the public gaol of said county until the end of next Court, October Term, 1783."

The courts of 1773 and 1774 were held at Christopher Carpenter's. He lived in the Beaver Dam section. There were some half-dozen Carpenters among the pioneers. Their

signatures to all early deeds and wills are written in the German, Zimmerman.

The commissioners appointed by Act of Assembly to select the place whereon to erect and build the court-house, prison and stocks of Tryon County, on 26th July, 1774, reported their selection of the place "called the cross-roads on Christopher Mauney's land, between the heads of Long Creek, Muddy Creek, and Beaver Dam Creek in the county aforesaid as most central and convenient for the purpose aforesaid." The county court adjourned to meet at the "house of Christy Mauney or the cross-roads in his land." The site of the old Tryon court-house is eight miles southwest of Lincolnton, in Gaston County. October Sessions, 1774, were held at the house of Christian Mauney, and a room in his dwelling was used as a jail.

The old county of Lincoln, with its fine farms and beautiful homes, dotted with towns and villages, and musical with the hum of machinery, the pioneers found a wild, luxuriant with native flora, the habitat of the red man and wild animals. There were herds of fleet-footed deer; there were clumsy brown bears and fierce wild cats and panthers; there were droves of buffalo, and countless beavers building their dams on the creeks. The early settlers waged a relentless war on these animals and set a bounty on many of their scalps. The scalps on which a price was set were the wolf, panther, wild cat, and such other as preyed on domestic animals. For killing a grown wolf the price was one pound; a young wolf ten shillings; a wild cat five shillings. The claims filed in court were for "scalp tickets." As late as October Sessions, 1774, there were audited in favor of various individuals forty-nine "wolf scalp tickets." We still retain Indian, Beaver Dam, and Buffalo Creeks, Bear Ford, Wolf Gulch, and Buffalo Mountain, Buffalo Shoals, and the

Indian names Catawba and Tuckaseegee, memorials of these primeval days.

In Tryon County there were many loyal subjects of the king, and there was likewise a gallant band of patriots who as early as August, 1775, adopted and signed the following bold declaration:

"The unprecedented, barbarous and bloody actions committed by British troops on our American brethren near Boston, on 19th April and 20th of May last, together with the hostile operations and treacherous designs now carrying on, by the tools of ministerial vengeance, for the subjugation of all British America, suggest to us the painful necessity of having recourse to arms in defense of our National freedom and constitutional rights, against all invasions; and at the same time do solemnly engage to take up arms and risk our lives and our fortunes in maintaining the freedom of our country whenever the wisdom and counsel of the Continental Congress, or our Provincial Convention shall declare it necessary; and this engagement we will continue in for the preservation of those rights and liberties which the principles of our Constitution and the laws of God, nature and nations have made it our duty to defend. We therefore, the subscribers, freeholders and inhabitants of Tryon County, do hereby faithfully unite ourselves under the most solemn ties of religion, honor and love to our country, firmly to resist force by force, and hold sacred till a reconciliation shall take place between Great Britain and America on Constitutional principles, which we most ardently desire, and do firmly agree to hold all such persons as inimical to the liberties of America who shall refuse to sign this association. (Signed) John Walker, Charles McLean, Andrew Neel, Thomas Beatty, James Coburn, Frederick Hambright, Andrew Hampton, Benjamin Hardin, George Paris, William Graham, Robt. Alexander, David Jenkins, Thomas

Espey, Perrygreen Mackness, James McAfee, William Thompson, Jacob Forney, Davis Whiteside, John Beeman, John Morris, Joseph Harden, John Robison, James McIntyre, Valentine Mauney, George Black, Jas. Logan, Jas. Baird, Christian Carpenter, Abel Beatty, Joab Turner, Jonathan Price, Jas. Miller, John Dellinger, Peter Sides, William Whiteside, Geo. Dellinger, Samuel Carpenter, Jacob Moony, Jun., John Wells, Jacob Costner, Robert Hulclip, James Buchanan, Moses Moore, Joseph Kuykendall, Adam Simms, Richard Waffer, Samuel Smith, Joseph Neel, Samuel Loftin.

In 1777 an act was passed establishing State courts, providing that all suits and indictments instituted and fines imposed "in the name or the use of the King of Great Britain, when this territory was under his government, and owed allegiance to him, and all breaches on penal statutes directed to be prosecuted in the name of the king shall be prosecuted and proceeded in the name of the State." This act terminated the "Crown Docket," and the King or Rex as prosecutor. The "State Docket" begins at October Sessions, 1777.

The change of government from royal to state in Tryon County was consummated without a jar. The last Tryon court was held in January, 1779. During this year Tryon is blotted from the list of counties and the War of the Revolution is in progress. Lincoln County became the scene of many thrilling Revolutionary events.

THE BATTLE OF RAMSOUR'S MILL.

The Tories were embodied at Ramsour's Mill through the efforts of Lieut.-Col. John Moore and Maj. Nicholas Welch. These officers left the victorious British on the march from Charleston and arrived at their homes early in June, 1780. Moses Moore, the father of Colonel Moore, was a native of

Carlyle, England, married a Miss Winston, near Jamestown, Virginia, and came to this section with the pioneers. Esther, a sister of Colonel Moore, married Joshua Roberts, a patriot soldier. The late Capt. John H. Roberts, a grandson, lived on the Moore homestead. It is situate on Indian Creek, eight miles southwest of Ramsour's Mill. Colonel Moore was an active partisan throughout the Revolution. Major Welch was a son of John Welch, and was reared next neighbor to Colonel Moore on Indian Creek. He was of Scottish descent, of great fluency of speech and fine persuasive power. They bore English commissions, were arrayed in splendid official equipments, and made lavish display of British gold. By the twentieth of June, these zealous loyalists collected at Ramsour's Mill a force of 1,300 Tories, and were actively engaged in their organization and drill preparatory to marching them to unite with the British in South Carolina. They occupied a well-chosen and advantageous position for offense and defense. It was on a high ridge that slopes three hundred yards to the mill and Clarke's Creek on the west, and the same distance to a branch on the east.

Col. Francis Locke collected a force of Rowan and Mecklenburg militia to engage the Tories. His detachments met at Mountain Creek, sixteen miles from Ramsour's, on Monday, the 19th, and when united amounted to four hundred men. They marched at once to the assault of the Tory position. At dawn of day on the morning of the 20th, in two miles of Ramsour's, they were met by Adam Reep, a noted scout, with a few picked men from the vicinity of the camp, who detailed to Colonel Locke the position of the enemy, and the plan of attack was formed. The mounted men under Captains McDowell, Brandon and Falls, marching slowly, were to follow the road due west to the camp, and not attack until the footmen under Colonel Locke could detour to the south, and reach the foot of the hill along the Tuckaseegee

road, and make a simultaneous assault. They proceeded without other organization or order, it being left to the officers to be governed by circumstances when they reached the enemy.

The mounted men came upon the Tory picket some distance from the camp, were fired upon, charged the Tory camp, but recoiled from their deadly fire. The firing hurried Colonel Locke into action, a like volley felled many of his men, and they likewise retired. The Tories, seeing the effect of their fire, came down the hill and were in fair view. The Whigs renewed the action, which soon became general and obstinate on both sides. In about an hour the Tories began to fall back to their original position on the ridge, and a little beyond its summit, to shield a part of their bodies from the destructive fire of the Whigs, who were fairly exposed to their fire. In this situation the Tory fire became so effective the Whigs fell back to the bushes near the branch; and the Tories, leaving their safe position, pursued half way down the hill. At this moment Captain Hardin led a company of Whigs into the field from the south and poured a galling fire into the right flank of the Tories. Some of the Whigs obliqued to the right, and turned the left flank of the Tories; while Captain Sharpe led a few men beyond the crest of the ridge, and, advancing from tree to tree, with unerring aim picked off the enemy's officers and men, and hastened the termination of the conflict. The action now became close and warm. The combatants mixed together, and having no bayonets, struck at each other with the butts of their guns. When the Whigs reached the summit they saw the Tories collected beyond the creek, with a white flag flying. Fifty Tories, unable to make the bridge, were taken prisoners. Those beyond soon dispersed and made their escape. One-fourth of the Tories were unarmed, and

they with a few others retired at the commencement of the battle.

Seventy men, including five Whig and four Tory captains, lay dead on the field, and more than two hundred were wounded, the loss on each side being about equal. In this contest, armed with the deadly rifle, blood relatives and familiar acquaintances and near neighbors fought in the opposing ranks, and as the smoke of battle occasionally cleared away recognized each other in the conflict.

Moore's defeat destroyed Toryism in this section. When Lord Cornwallis marched through the county the following January, and encamped at Ramsour's Mill, he lost more men by desertion than he gained by recruits.

THE BATTLE OF KING'S MOUNTAIN.

Col. Patrick Ferguson pitched his camp on the summit of King's Mountain, the 6th of October, 1780. So well pleased was he with his position that he gave vent to the impious boast that God Almighty could not drive him from it. In his army were eleven hundred men, brave and well disciplined, every one of whom knew what actual fighting meant. The patriot army aggregated a like number of eleven hundred men. Their only weapon was the long-barreled rifle in whose use they were experts. Ferguson had out foraging parties, and some of the patriots on foot could not keep up with the march, so it is probable the combatants on each side numbered nine hundred men.

To Colonel Shelby is due the inception of the campaign and much of the mobilization of the patriot army. To its successful culmination the little band of Lincoln men, sixty in number, contributed their full share. They united with the mountain men in pursuit of Ferguson at the Cowpens about sunset on October the 6th. Between 8 and 9 o'clock of the same evening the army set out toward King's Moun-

tain in quest of Ferguson. Enock Gilmer, an advance scout, dined at noon of the 7th with a Tory family. From them he learned that Ferguson's camp was only three miles distant, on a ridge between two creeks, where some deer hunters had a camp the previous fall. Major Chronicle and Captain Mattocks stated that the camp was theirs and that they well knew the ground on which Ferguson was encamped; whereupon it was agreed that they should plan the battle. They rode a short distance by themselves, and reported that it was an excellent place to surround Ferguson's army; that the shooting would all be uphill with no danger of destroying each other. The officers instantly agreed to the plan, and without stopping began to arrange their men, assigning to each officer the part he was to take in surrounding the mountain. To the north side were assigned Shelby, Williams, Lacey and Cleveland, and on the south side Campbell, Sevier, McDowell and Winston, while the Lincoln men, under Lieut.-Col. Frederick Hambright, were to attack the northeast end of the mountain. It was three o'clock in the afternoon when the patriots reached their position, and Campbell's men were first to fire into the enemy. His column was charged by Ferguson's men with fixed bayonets, and driven down the mountain side. Shelby was advancing in quick time from the other side, so the enemy found it necessary to give attention to Shelby's assault, when Campbell's men returned to the fight, and Shelby and his men were forced to retreat before the dashing charge of Ferguson's bayonets. Thus back and forth, Campbell, Sevier, McDowell and Winston on the one side, Shelby, Williams, Lacey and Cleveland on the other, charged up the mountain and were driven back, only to renew the charge, until the mountain was enveloped in flame and smoke, and the rattle of musketry sounded like thunder.

The South Fork boys marched to their position with quick

step, Major Chronicle ten paces in advance, and heading the column were Enock Gilmer, Hugh Ewin, Adam Barry and Robert Henry. Arriving at the end of the mountain, Major Chronicle cried, "Face to the hill!" The words were scarcely uttered when they were fired upon by the enemy's sharp-shooters, and Major Chronicle and William Rabb fell dead. But they pressed up the hill under the leadership of Lieutenant-Colonel Hambright, Maj. Jos. Dixon, Capts. James Johnston, Samuel Espey, Samuel Martin, and James White. Before they reached the crest, the enemy charged bayonets, first, however, discharging their guns, killing Captain Mattocks and John Boyd and wounding William Gilmer and John Chittim. As Robert Henry, a lad of sixteen, raised his gun to fire, a bayonet glanced along the barrel, through his hand and into his thigh. Henry discharged his gun, killing the Briton and both fell to the ground. Henry observed that many of his comrades were not more than a gun's length in front of the bayonets and the farthest not more than twenty feet. Reaching the foot of the hill, they reloaded, and fired with deadly effect upon their pursuers, in turn chasing their enemies up the mountain. William Caldwell, seeing Henry's condition, pulled the bayonet out of his thigh, kicked his hand from the bloody instrument and passed on. Thus the battle raged on all sides. No regiment, no man failed to do his duty. The unerring aim of the mountain men from behind every tree and every rock was rapidly diminishing the brave fighters under Ferguson, who began to despair. At the end of an hour Ferguson was killed, and a white flag was hoisted in token of surrender. Three hundred of his men were dead and wounded, and six hundred prisoners. The Americans suffered a loss of twenty-eight killed and seventy-four wounded.

Thus was fought one of the decisive battles of the Revolu-

tion. It was the enemy's first serious disaster and turned the tide of war. Ferguson and his army were wiped out of existence. Its immediate result was to check the enemy's progress until the patriots could muster strength for his final overthrow.

The Lincoln County men, considering their small number, suffered considerably in the engagement: Maj. William Chronicle, Capt. John Mattocks, William Rabb, John Boyd and Arthur Patterson were killed; Moses Henry died soon thereafter in the hospital at Charlotte of the wound he received in the battle; Capt. Samuel Espey, Robert Henry, William Gilmer, John Chittim, and William Bradley were wounded. The Tories, shooting down the steep mountain side, much of their aim was too high. Lieutenant-Colonel Hambright's hat was perforated with three bullet holes, and he received a shot through the thigh, his boot filled and ran over with blood, but he remained in the fight till the end, gallantly encouraging his men.

CORNWALLIS IN PURSUIT OF MORGAN.

Morgan defeated Colonel Tarleton in a signal victory at the Cowpens, South Carolina, 17th January, 1781. In less than an hour five hundred of Tarleton's Legion were prisoners, the remainder slain and scattered, and he scampering in mad haste to Cornwallis, then but twenty-five miles distant. General Morgan, anxious to hold every one of his prisoners to exchange for the Continental line of North Carolina captured at Charleston, and then languishing on British prison ships, immediately began his famous retreat toward Virginia, while Cornwallis, in command of 4,000 well-equipped veterans, gave pursuit. Colonel Washington's cavalry, with the prisoners, safely crossed the Catawba at the Island Ford; the prisoners were sent on, while Washington rejoined General Morgan, who had crossed with the main army eight or

nine miles farther down at Sherrill's Ford, where they tarried awhile on the eastern bank.

The British came by way of the old Tryon court-house. Cornwallis says "I therefore assembled the army on the 25th at Ramsour's Mill on the south fork of the Catawba, and as the loss of my light troops could only be remedied by the activity of the whole corps, I employed a halt of two days in collecting some flour, and destroying superfluous baggage, and all my wagons except those loaded with hospital stores, and four reserved in readiness for sick and wounded." Steadman says that Lord Cornwallis, "by first reducing the size and quantity of his own, set an example which was cheerfully followed by all the officers in his command, although by so doing they sustained a considerable loss. No wagons were reserved except those loaded with hospital stores, salt and ammunition, and four empty ones for the accommodation of the sick and wounded. And such was the ardour, both of officers and soldiers, and their willingness to submit to any hardship for the promotion of the service, that this arrangement, which deprived them of all future prospect of spirituous liquors, and even hazarded a regular supply of provisions, was acquiesced in without a murmur."

Cornwallis crossed the South Fork River at the Reep Ford, one mile from Ramsour's Mill, and pitched his marquee on the Ramsour battle-ground; O'Hara remained on the west bank of the river at the Reep place; Webster occupied the hill west of the Ramsour Mill; while Tarleton, who had crossed the river three miles lower down, between the Laboratory and the present railway bridge, in rejoining his chief, camped on the hill south of Cornwallis. Foraging parties were sent out in different directions to collect grain, and Ramsour's Mill was kept running day and night converting the grain into flour to replenish his Lordship's commissary.

In the destruction of baggage, Cornwallis first ordered his

splendid camp chest burned. His mahogany tea chest with the remainder of his tea, and six solid silver spoons, he sent to Mrs. Barbara Reinhardt, wife of Christian Reinhardt, with a note requesting that she accept them. These presents were treasured and carefully preserved. At the breaking out of the Civil War they belonged to a granddaughter, whose sons were Confederate volunteers. Believing an old saying that whoever carries anything in war that was carried in another war by a person that was not killed, will likewise be unharmed, she gave each of her sons one of the silver spoons, and the others to neighbor boys, and in this way the spoons were lost and Federal bullets shattered faith in their charm. The chest is yet preserved. After the conflagration many irons were tumbled in the mill-pond while others left on the ground were picked up by citizens. The milldam was taken down the next summer and much iron valuable to the farmers taken out. A few defective muskets were found; also one piece of artillery, so damaged it was not removed from the mud. Where the whiskey and rum bottles were broken the fragments lay in heaps for years. These were afterwards gathered up and sold to the potters for glazing purposes.

To this destruction of his whole material train and necessary outfit for a winter campaign Judge Schenck attributes the final discomfiture of Cornwallis at Guilford Court House. The supplies he burned could not be replaced short of Wilmington, and thither he was compelled to go when a reverse met his arms.

While here Cornwallis requested Christian Reinhardt to point out Colonel Moore's position, and describe the battle of Ramsour's Mill. At the conclusion his only observation was that Colonel Moore had a fine position, but did not have the tact to defend it; that he ought not to have risked a battle but should have fallen back to Ferguson.

Early on the morning of the 28th the British broke camp

and marched toward Beattie's Ford, a distance of twelve miles, to Jacob Forney's. The moving Britons, in scarlet uniforms, with glittering muskets, made an impressive sight, and tradition still preserves their route. Jacob Forney was a thrifty farmer and well-known Whig. Here they encamped three days, consuming his entire stock of cattle, hogs, sheep and poultry, and taking his horses and forty gallons of brandy. Some state that Cornwallis approached the Catawba on the evening of the 28th, and found it considerably swollen and impassable for his infantry and this caused him to fall back to Jacob Forney's plantation.

THE BATTLE OF COWAN'S FORD.

The tardiness of Cornwallis was not altogether due to the flushed condition of the Catawba, however much the swollen waters of the Yadkin and the Dan may have later impeded his pursuit. The prime cause of delay was the vigilance of the Whigs in guarding the several fords. On the approach of the British, Gen. William Davidson placed guards at the Tuckaseegee, Tool's and Cowan's fords; with his greatest force and Capt. Joseph Graham's cavalry troops, he took position himself at Beattie's Ford; while Morgan and Washington were at Sherrill's Ford. Cornwallis kept posted on these dispositions. Cowan's was a private ford, guarded only by Lieut. Thomas Davidson with twenty-five men. After getting the best information he could obtain, Cornwallis resolved to attempt the passage at Cowan's Ford. Each army was keeping close watch on the movements of the other. On the 30th Captain Graham's cavalry was dispatched across Beattie's Ford and ascertained that the British were encamped within four miles, and in two miles they discovered one hundred of the enemy's cavalry, who followed them to the river but kept at a respectful distance, evincing fear of an ambuscade. Green, Morgan and Washington came to

Davidson's headquarters at Beattie's Ford on the afternoon of the 31st and held a consultation. The British vanguard of four or five hundred men appeared on the opposite hill beyond the river and viewed the American position. After General Green's departure, leaving a portion of his force at Beattie's Ford, under Colonel Farmer, General Davidson, with 250 men and the cavalry, marched down the river four miles to Cowan's Ford, where he arrived after dark.

The river at Cowan's Ford is one-fourth of a mile wide. The wagon ford went directly across the river. The horse ford, entering at the same place, obliques down the river, through an island, and came out on the Mecklenburg side a quarter of a mile lower down. The latter was the shallower and most used, and the one the British were expected to follow, so General Davidson took position on the hill overlooking this ford. Above the coming-out place of the wagon ford was a narrow strip of level bottom, and then an abrupt hill. Lieutenant Davidson's picket remained at their post on this level strip, fifty steps above the landing and near the water's edge.

Cornwallis broke camp at one in the morning of the first of February, and detached Lieutenant-Colonel Webster with that part of the army and all the baggage to Beattie's Ford, where General Davidson was supposed to be posted, with direction to make every possible demonstration by cannonading and otherwise of an intention of forcing a passage, while he marched to Cowan's Ford, arriving at the bank of the river as day began to break. The command of the front was given to Colonel Hall of the Guards. Under the guidance of Frederick Hager, a Tory living on the west bank, employed by Cornwallis on account of his familiarity with the ford, the bold Britons plunged into the river, with the firm determination of encountering the small band of Americans on the eastern bank. When one hundred yards in the

river they were discovered and fired upon by Lieutenant Davidson's picket which aroused the guard, who kept up the fire, but the enemy continued to advance. No sooner did the guide who attended the light infantry to show them the ford, hear the report of the sentinel's musket than he turned around and left them. This, at first seemed to portend much mischief but in the end proved fortunate for the British. Colonel Hall, forsaken by his guide, and not knowing the true direction of the ford, led his column directly across the river to the nearest point of the opposite bank. The picket fire alarmed Davidson's camp, who paraded at the horse ford, then Graham's cavalry was ordered to the assistance of the picket. By the time the cavalry were in position on the high bank, and ready for action the British were within fifty yards of the Mecklenburg shore. The cavalry poured a destructive fire into the advancing columns. The British did not fire a gun while in the water; as they landed they loaded their guns and fired up the bank. The firing was kept up some minutes, but the Whigs soon retreated from the unequal contest.

By the time his Lordship crossed the river Webster had his force in array on the face of the hill fronting Beattie's Ford, and was making demonstrations of attempting a passage. His front lines were firing by platoons, a company went into the water fifty steps and fired; while four cannon were booming for half an hour, the flying balls cutting off the limbs of trees and tearing up the opposite bank, the sound rolling down the river like peals of thunder. All this, however, was only a feint. Colonel Farmer, being notified by an aide of General Davidson, that the enemy had crossed at Cowan's Ford, retired. The pickets at other points were notified and all united at John McKnitt Alexander's that afternoon, eight miles from Charlotte; while Cornwallis united his forces two miles from Beattie's Ford at Given's farm.

In this action, the Americans lost General Davidson, a gallant, brave and generous officer, and three others. Of the British, Colonel Hall and another officer and twenty-nine privates were killed and thirty-five were wounded. The horse of Cornwallis was shot and fell dead as he ascended the bank. Lord Cornwallis on the 2d of February returns his thanks "to the Brigade of Guards for their cool and determined bravery in the passage of the Catawba, while rushing through that long and difficult ford under a galling fire."

IMPORTANCE OF THESE ENGAGEMENTS.

On the 18th June, 1780, General Rutherford, in command of the Mecklenburg and Rowan militia, marched to attack the Tories at Ramsour's Mill. At the Catawba, Col. William Graham, with the Lincoln County Regiment, united with General Rutherford, swelling his command to twelve hundred. He encamped at Col. Joseph Dickson's, three miles from the Tuckaseegee, twenty miles from Ramsour's, and about the same distance from Colonel Locke on Mountain Creek. General Rutherford dispatched a message directing Colonel Locke to join him at the Dickson place on the evening of the 19th or the morning of the 20th. Colonel Locke likewise dispatched James Johnston to inform General Rutherford of his intention to give the Tories battle on the morning of the 20th. However, no junction was formed and after a hard and well-fought battle Colonel Locke defeated the Tories. General Rutherford followed the Tuckaseegee road and arrived at Ramsour's Mill two hours after the battle. The dead and most of the wounded were lying where they fell. General Rutherford remained here two days sending Davie's Cavalry and other troops in pursuit of the Tories, thus accenting the victory and making the defeat crushing and complete, subduing the loyalist spirit, with consequent encouragement of the patriots.

Three days after the battle Allaire, who was with Ferguson, referring to the battle of Ramsour's Mill, recorded in his dairy: "Friday, 23d. Lay in the field at Ninety-six. Some friends came in. Four were wounded. The militia had embodied at Tuckaseegee, on the South Fork of the Catawba River. Were attacked by a party of rebels, under command of General Rutherford. The militia were scant of ammunition, which obliged them to retreat. They were obliged to swim the river at the milldam. The Rebels fired on them and killed thirty." Col. John Moore with thirty men reached Cornwallis at Camden, where he was threatened with a trial by court-martial for hastening organization in advance of Ferguson.

The Battle of Ramsour's Mill was fraught with important results. It was fought at a gloomy period of the Revolution, when the cause of liberty seemed prostrate and hopeless in the South. The victorious British considered South Carolina and Georgia restored to English rule and were planning the invasion of North Carolina. It marks the turning point in the war. But for this battle Moore and Welch could have reinforced Ferguson with an army of 1,500 or 2,000 men, and there might have been no King's Mountain, or King's Mountain with a different result. But instead of aid to Ferguson, the Lincoln Regiment with the South Carolinians under Hill and Lacey were again encamped on the Catawba, and when Colonel Williams crossed the Tuckaseegee, and united with these troops, the entire force encountering no opposition, followed the Tuckaseegee road, via Ramsour's Mill, the Flint Hill road to Cherry Mountain, later uniting with the mountain men at the Cowpens, the next day helping to destroy Ferguson, and gain the glorious victory, that makes the name of King's Mountain famous in our country's history, of which the Battle of Cowpens, Guilford Court House and the surrender of Cornwallis at Yorktown were the direct consequences.

LINCOLN COUNTY PENSION ROLL.

On the pension roll as late as 1834, more than fifty years after the Revolution, the following is the Lincoln County list of soldiers yet living and drawing pensions: Robert Abernethy, Vincent Allen, Christian Arney, Matthew Armstrong, Robert Berry, Jonas Bradshaw, Caspar Bolick, Alexander Brevard, Samuel Caldwell, William Carroll, John Chittim, Michal Cline, Samuel Collins, Martin Coulter, Thomas Costner, George Dameron, Joseph Dixon, Peter Eddlemon, William Elmore, Samuel Espey, James Farewell, Abraham Forney, Robinson Goodwin, Joseph Graham, William Gregory, Nathan Gwaltney, Nicholas Hafner, Simon Hager, John Harman, John Helm, James Henry, James Hill, John Kidd, John Kincaid, Robert Knox, Shadrack Lefcy, Tapley Mahannas, Marmaduke Maples, Samuel Martin, Thomas Mason, William Mayes, William McCarthy, William McLean, Nathan Mendenhall, Alexander Moore, John Moore, William Moore, Jeremiah Mundy, Humphrey Parker, Hiram Pendleton, Jacob Plonk, William Potter, William Rankin, Charlie Regan, Adam Reep, Michael Reep, Joshua Roberts, James Robinson, Henry Rumfeldt, Peter Scrum, John Stamey, Bartholomew Thompson, Charles Thompson, Phillip Tillman, Conrad Tippong, Robert Tucker, John Turbyfill, Charles Whit, John Wilfong, Joseph Willis, James Wilkin-son, and Elisha Withers.

LINCOLNTON AND LINCOLN COUNTY.

When Tryon County was divided the Tryon Court-house fell in Lincoln County, but too near its western border for public convenience. The courts for part of the years 1783 and 1784 were held at the house of Capt. Nicholas Friday. His residence stood on the east side of the river, seven miles south of Lincolnton. The courts of July and October sessions, 1784, were held at the house of Henry Dellinger, and

his spring house was designated as the "gaol." This spring house was a two-story affair, the lower stone, the upper logs; the upper story was used as the public jail. Some of the prisoners escaping, the sheriff was ordered "to make use of a room in Henry Dellinger's house to be strengthened for the purposes of a common gaol." The sheriffs, for protection against the escape of prisoners from these very odd jails, always had entered on the court record their "protest against the sufficiency of said gaol." The site of Henry Dellinger's home is Magnolia, six miles southeast of Lincolnton, where the late John B. Smith lived.

While the location of the county seat remained an open question, the map of the county changed. In 1753, the western portion of the Granville domain was set up into the county of Rowan. Rowan in 1777, was divided by a line beginning on the Catawba River at the Tryon and Mecklenburg corner, thence up the meanders of the said river to the north end of an island, known as "the Three Cornered Island," etc., and the territory west and south of said line erected into a new county, by the name of Burke, and the county seat, Morganton, located fifty miles from the southeast part of the county on the Catawba. It being represented to the General Assembly that "certain of the inhabitants of Burke labor under great hardships in attending on courts and other public meetings from their remote situation from the court-house," in 1782 it enacted that all that part of Burke from Sherrill's Ford to the Fish Dam Ford of the South Fork, "and from thence a southwest course to Earl Granville's old line," be taken from Burke and added to Lincoln County. In 1784 a greater slice of Burke was added to Lincoln. The line separating the counties began at the Horse Ford on the Catawba and ended at the same point in the Granville line. This is now a noted point, known as the "Three County Corner," the corner of Lincoln, Burke

and Cleveland, and is the only established point in the old Granville line west of the Catawba River.

The act of 1784 appointed Joseph Dickson, John Carruth, John Wilson, Joseph Steele and Nicholas Friday, commissioners to locate the county town, which they did by entering for the purpose three hundred acres of "vacant and unappropriated land, lying between the lines of Christian Reinhardt and Phillip Cansler in our county of Lincoln on both sides of the wagon road leading from the Tuckaseegee Ford to Ramsour's Mill and including the forks of the road leading to Cansler's sawmill." The grant for same was made December 14th, 1785, to "Joseph Dickson in trust for the citizens of Lincoln County." The General Assembly, in 1786, granted a charter for Lincolnton, reciting that the place is "a healthy and pleasant situation and well watered." The same year the town was laid off into lots. At the intersection of Main and Aspin streets, the two principal streets of the town, was left a public square on which the court-house was erected. The first hundred lots laid off the commissioners disposed of by a town lottery, the draft of which and the papers connected therewith are yet on file. Chances were taken by the prominent men of that day and also by many ladies. A specimen ticket reads: "This ticket entitles the bearer to whatever number is drawn against it in the Lincoln Lottery, No. 86, Jo. Dickson." The corporate limits have been twice extended in the last decade, and the western boundary now rests on Clarke's Creek and the South Fork River.

In the history of Lincolnton and Lincoln County the name of Joseph Dickson stands conspicuous. The site of his homestead is two miles northwest of Mount Holly, on the line of the Seaboard Air Line Railroad. General Rutherford, en route to attack the Tories at Ramsour's Mill, encamped at Dickson's the night before the battle. He accom-

panied General Rutherford next day, passing over the ground then vacant land, where five years later, the grant was made to him as proprietor in trust for the citizens of Lincoln County. He was one of the immortal heroes of King's Mountain. With the rank of major he was one of the officers that led the South Fork boys up the rugged northeast end of the mountain, facing with undaunted spirit the lead and the charge of the enemy's bayonet. In 1781 he opposed the British invasion of North Carolina, serving with the rank of colonel. During this year he was elected county court clerk, which office he held the next ten years. He was chairman of the committee that selected the site of Lincolnton, and the grant for the land on which the town was built was made to him. The grantor to all the original purchasers of lots is, "Joseph Dickson, Esq., proprietor in trust for the commissioners appointed to lay off a town in the county of Lincoln by the name of Lincolnton." He was chosen Senator from Lincoln County in 1788, and continuously succeeded himself until 1795. In 1789 he was one of the forty great men of the State selected by the General Assembly to constitute the first trustees of the University of North Carolina. He then served as a general in the militia. From 1799 to 1801 he was a member of Congress. December 27th, 1803, he sold his plantation of twelve hundred acres, and removed to Rutherford County, Tennessee, where he died, April 24th, 1825, aged eighty years, and was buried with military and Masonic honors.

Lincolnton is situate 869 feet above sea level in the hill country of the great Piedmont belt. In the county are Reece, Clubbs, Daily, Rush and Buffalo Mountains; they are small peaks not larger than Hog Hill in the northern part of the county. From Lincolnton mountains are visible in almost every direction. On the northeast is Anderson's Mountain; in the southwest looms up King's Mountain, on whose his-

toric heights was fought the memorable battle that broke the power of the British crown; in line with King's Mountain to the south can be seen Spencer, Crowder, and Pasour Mountains; in the north and northwest are Baker's Mountain, Carpenter and Ben's Knobs, and numerous peaks of the South Mountains; while in the distance in solemn grandeur lies the upturned face of the Grandfather; and yet still farther away rise the far-distant peaks of the great Blue Ridge. The Carolina and Northwestern Railway comes in from Chester, South Carolina, and runs northwesterly into the heart of the mountains of North Carolina; while from the east comes in the Seaboard Air Line, and extends westwardly to Rutherfordton.

Lincoln thus remained a large county until 1841, when the first slice was taken to form, with a portion of Rutherford, the county of Cleveland. In 1842, Catawba was set up from Lincoln by an east and west line passing one and a half miles north of Lincolnton. In 1846, the southern part was set off into the county of Gaston, by a line to pass four and a half miles south of Lincolnton, and four miles of Catawba ceded back to Lincoln. The formation of these new counties reduced Lincoln to a narrow strip, ten miles in width with an average length of thirty miles, and it is with this strip that the remainder of this narrative will deal. Lincoln County is bounded on the north by Catawba County; on the east by the Catawba River, which separates it from Iredell and Mecklenburg; on the south by Gaston; on the west by Cleveland, and one-fourth mile of Burke.

FIRST SUPERIOR COURT CLERK.

Lawson Henderson was long an influential citizen, filling the offices of county surveyor, sheriff, and clerk of the county and Superior Courts. He was a son of James Henderson, a pioneer settler, and was appointed Superior Court clerk

for life under the Act of Assembly of 1806 establishing a Superior Court in each county of the State. He served from April term, 1807, to Fall term, 1835, when he resigned. At Fall term, 1833, John D. Hoke applied for the clerk's office, having been elected pursuant to act of 1832. Then followed the suit of "Hoke vs. Henderson," in which Mr. Henderson was the winner. This was a famous case. It decided that an office is property, and was not reversed until 1903, and then by a majority opinion, two justices dissenting.

PLEASANT RETREAT ACADEMY.

This school occupied four acres in the northern part of Lincolnton. From its institution it bore the attractive name of Pleasant Retreat Academy. The older students delighted to speak of its refreshing shades—the oak and the hickory interspersed with the chestnut and the chinquepin—and the spring at the foot of the hill. It was chartered by the General Assembly, 10th December, 1813, with the following trustees: Rev. Philip Henkle, Rev. Humphrey Hunter, Lawson Henderson, Joseph Graham, John Fullenwider, John Hoke, Peter Forney, Robert Williamson, Daniel Hoke, J. Reinhardt, Vardry McBee, David Ramsour, Peter Hoyle, Henry Y. Webb, George Carruth, William McLean, Robert Burton, John Reid, and David Reinhardt. In this school were trained a long roll of men whose names adorn their county's history. Of its students—

James Pinkey Henderson, son of Maj. Lawson Henderson, sought the broad area of the "Lone Star State" for the full development of his giant intellect and won fortune and fame. An eminent lawyer, Attorney-General of the Republic of Texas, its minister Plenipotentiary and Envoy Extraordinary to France, England and the United States, Major-General of the United States Army in the War with Mexico, Governor of Texas, and at the time of his death United

States Senator, he adorned the positions his courage and talents won.

William Lander, brilliant, impetuous and chivalric, was one of the foremost advocates of the bar and member of the convention from Lincoln County that passed the Ordinance of Secession. Afterwards his splendid eloquence found congenial fellowship amid the fiery spirits of the Confederate Congress. Lawyer, solicitor, legislator and member of the Confederate Congress, he has a monument of love and affection in the hearts of those who knew him best. His brother, Rev. Samuel Lander, was a man of broad scholarship, an educator of note, and a preacher of wide repute.

Thomas Dews, when a mere lad, entered the State University, graduated in the class of 1824, taught awhile in Pleasant Retreat, and began the practice of law. He was drowned in Second Broad River, August 4th, 1838, aged 30 years, 2 months and 25 days. His remains lie in honor beneath a marble shaft, the tribute of a noble-hearted woman to the man who adored her while he lived, and marks the spot where rests her lover and her love. Judge William H. Battle knew Mr. Dews at Chapel Hill and often spoke of his talents and his genius. Toward the close of an address before the literary societies at the commencement of 1865, growing reminiscent, Judge Battle said: "I will occupy a few more moments of your time in recalling from the dim recollections of the past the names of a few men, each of whom was regarded as a college genius of the day, and who with well-directed energies, and a longer life might have left a name the world would not willingly let die. In the year 1824 Thomas Dews, a young man from the county of Lincoln, took his degree of Bachelor of Arts, dividing with Prof. Sims, Judge Manly and ex-Governor Graham the highest honor of the class. His parents were poor, and it is said resorted to the humble occupation of selling cakes for the purpose of

procuring means for the education of their promising boy. After graduation, he studied law and commenced the practice with every prospect of eminent success, when unhappily, a morbid sensitiveness of temperament drove him to habits of intemperance, during one of the fits of which he came to an untimely end. His name, which ought to have gone down to posterity on account of great deeds achieved by extraordinary talents, will probably be remembered only in connection with a happily-turned impromptu epitaph." Yet it has gone down in history immortalized by his neighbor and friend, Col. James R. Dodge, a distinguished practitioner for many years at the Lincolnton bar. Colonel Dodge was a son of Gen. Richard Dodge and Sarah Ann Dodge, his mother being a sister of Washington Irving, of New York. Those acquainted with the playful writings of Washington Irving will not be surprised at the spontaneous retort of his nephew. But one residence separated the Dews home from that of Colonel Dodge in Lincolnton. At April term, 1832, of Rutherford Superior Court, David L. Swain, afterwards Governor, was on the bench and in the bar were Samuel Hillman, Tom Dews and Mr. Dodge. While Mr. Dodge was addressing the jury, Judge Swain recalled a punning epitaph on a man named Dodge, wrote it on a piece of paper, and passed it around to the merriment of the bar; and when Colonel Dodge had finished his speech, he found lying on his table:

"EPITAPH OF JAMES R. DODGE, ESQ., ATTORNEY-AT-LAW.

"Here lies a Dodge, who dodged all good,
And dodged a deal of evil,
Who after dodging all he could,
He could not dodge the Devil."

Mr. Dodge read the paper, turned it over and wrote on the other side:

"EPITAPH OF THREE ATTORNEYS.

"Here lies a Hillman and a Swain,
Whose lot let no man choose;
They lived in sin and died in pain,
And the Devil got his Dews" [dues].

Among the post-bellum students are Hoke Smith, lawyer, journalist, Secretary of the Interior, and Governor of Georgia; William Alexander Hoke, Associate Justice of the Supreme Court of North Carolina; William E. Shipp, Lieutenant Tenth United States Cavalry, killed on San Juan Hill, Battle of Santiago, July 1st, 1898; T. H. Cobb, Beverly C. Cobb, David W. Robinson, Charles E. Childs, Charles C. Cobb, and Lemuel B. Wetmore, lawyers; Silas McBee, Editor of the *Churchman*; Rev. William L. Sherrill of the Western North Carolina Conference; William E. Grigg, banker; Blair and Hugh Jenkins, Charles and Henry Robinson, merchants; William W. Motz, architect and builder; William A. Costner, Thomas J. Ramsour, Charles M. Sumner, farmers, and a long list of others.

The Pleasant Retreat Academy property has been transferred to the Daughters of the Confederacy for a Memorial Hall. In this there is eminent fitness, for among its students were William A. Graham, Confederate States Senator; William Lander, member of the Confederate Congress; Maj.-Gen. Stephen D. Ramseur; Maj.-Gen. Robert F. Hoke; Col. John F. Hoke; Col. William J. Hoke; Maj. Frank Schenck; Capts. James F. Johnston, Joseph W. Alexander, George W. Seagle, George L. Phifer, James D. Wells, and others, making an honor roll of more than a hundred Confederate soldiers.

Lincolnton Female Academy was chartered by the General Assembly December 21st, 1821, with James Bivings, Vardry McBee, David Hoke, John Mushatt, Joseph E. Bell, and Joseph Morris, trustees. Four acres on the south side of

the town were conveyed to the trustees for school purposes, and the two school properties were connected by Academy street. The Female Academy likewise had a long and useful career. It is now the site of the Lincolnton graded school.

EARLY SETTLERS AND CHURCHES.

The early settlers of Lincoln were of Scotch-Irish and German origin. There were but few of other nationalities. They came in swarms, by "hundreds of wagons from the northwards." About the year 1750, the Scotch-Irish settlement covered both banks of the Catawba, so the eastern portion of Lincoln was populated by this race, while the South Fork and its tributaries—the remainder of the county—were contemporaneously settled by Germans.

The Scotch-Irish are stern and virile, noted for hatred of sham, hypocrisy and oppression. The Germans are hardy and thrifty, characterized by love of home and country, tenacious of custom and slow to change. Both were a liberty-loving, God-fearing people, among whom labor was dignified and honorable. A charm about these pioneers is, that their heads were not turned by ancestral distinction. They were self-reliant and mastered the primeval forest, with its hardships and disadvantages. They became adepts in handicraft and combated the foes of husbandry in an unsettled region. They were the silent heroes who shaped destiny and imbued unborn generations with strength of character and force of will. The early Scotch-Irish preachers taught the creed of Calvin and Knox, and the first place of worship on the east side was Presbyterian. The pioneer Germans were followers of the great central figure of the Reformation, Martin Luther, and the Swiss Reformer, Ulrich Zwingli, and the oldest place of worship on the west side is Lutheran and Reformed. To-day the county is dotted with churches which, according to numerical strength, rank in the following order:

Methodist Episcopal, Baptist, Lutheran, Methodist Protestant, Presbyterian, Reformed and Protestant Episcopal.

When churches were few camp meetings were held by the Presbyterians, Baptists, Reformed, Protestants and Methodists. They have all been discontinued except one, the celebrated Rock Springs Camp Meeting of the Methodists in east Lincoln. There a great arbor is surrounded by three hundred tents, and the meeting has been held annually since 1830. It is incorporated after the style of a town, and governed much the same way. It is held on forty-five acres of ground, conveyed 7th August, 1830, by Joseph M. Mundy to Freeman Shelton, Richard Proctor and James Bivings, trustees of the Methodist Episcopal Church, Lincoln circuit. The estate an owner has in a lot is conditional, and ceases upon failure to keep and maintain a tent on it. The meeting continues one week and embraces the second Sunday in August. It is attended by all denominations from the surrounding counties by from ten thousand to fifteen thousand people. Deep religious interest is manifest and many date their conversion from these meetings. Viewed from a social standpoint this is also a great occasion. The old camp ground combines the best elements of social life in the country, city and summer resort. Rock Springs is the successor of an older camp ground called Robey's, which was situate near the Catawba Springs.

The memory of the old people runs back to the time when the printing press had not filled the churches with hymn books, when there were no church organs, nor organists to lead the choir. In those days the congregations sung, being led by a precentor called the clerk, a man of importance, and the minister lined out the hymn. Four young men from Lincolnton attended a camp meeting. When the minister lined out a couplet of a familiar hymn, the congregation followed the clerk, sung the couplet and paused for the next

The four boys, filled with the spirit of John Barleycorn, paused not, but in well-trained musical voice, carrying the several parts finished the stanza; then the second and the entire hymn to the dismay of the minister, the clerk, and dumbfounding of the congregation. A charge of disturbing public worship was preferred in the courts, conviction followed and the offenders sentenced to sit one hour in the stocks.

Most of the people in North Brook, the western township in the county, are Methodist Protestants, and they have one church, Fairfield, near the Catawba River on the eastern side of the county.

Long Creek was the first Baptist church established in Lincoln County, either in 1772 or 1777. It is on Long Creek, one mile from Dallas. Hebron was organized at Abernethy's Ferry on the Catawba about 1792. Six miles from Beattie's Ford was Earhardt's church, constituted in the 18th century. Abraham Earhardt, upon whose land the church was located, was an ordained minister and preached at his church and elsewhere. He married Catharine Forney, sister of Peter, Abram and Jacob Forney, and owned more than a thousand acres of land, on which he operated a flouring mill, tan yard, blacksmith shop and a distillery. The Earhardt place is now the home of Maj. W. A. Graham. To-day the Baptists have churches in every section of the county.

The act of the Provincial Assembly in 1768, erecting that portion of Mecklenburg County west of the Catawba into a separate county by the name of Tryon, also created Saint Thomas Parish; and, according to the custom of that day, county and parish were coterminous. While nominally under a church establishment, no clergyman of the Church of England exercised any pastoral care in colonial days. In 1785 Robert Johnston Miller, afterwards known as Parson Miller,

came to Lincoln, and became the religious teacher, lay reader, and catechist of the Episcopalians he found in the county. While avowing himself an Episcopalian, he received Lutheran ordination. In 1806 he resigned his Lincoln charge to David Henkel, a Lutheran licentiate, and removed to Burke. From 1785 to 1823, Parson Miller was almost the only Episcopal minister in this region. In 1823 John Stark Ravenscroft was elected Bishop, Parson Miller, being in the chair. The Bishop visited Lincoln County in 1824, and in the three parishes of Smyrna, White Haven and St. Peter's confirmed forty-one persons. In 1828 he again visited Catawba Springs and endeavored to collect the remains of the three old parishes in that neighborhood, but found it a hopeless task. While at the Springs he preached at Beattie's Ford and "on Sunday in the public room at the Springs to such of the company as a very rainy day detained from visiting a camp meeting in the vicinity." In the year 1835 Dr. Moses A. Curtis, the noted botanist, was stationed at Lincolnton. The year 1837 found him in another field. On the 2d of March, 1842, Col. John Hoke conveyed to "E. M. Forbes, Jeremiah W. Murphy, T. N. Herndon, Michael Hoke, Leonard E. Thompson and Haywood W. Guion, vestry and trustees of the Saint Luke's church in Lincolnton, the lot on which Saint Luke's church yet stands. Its rectors have been Rev. E. M. Forbes, Rev. A. F. Olmstead, Rev. J. C. Huske, Rev. T. S. W. Mott, Rev. H. H. Hewitt, Rev. C. T. Bland, Rev. G. M. Everhart, and Rev. Dr. W. R. Wetmore for forty years—from 1862 until his death.

Rev. Robert Johnston Miller was born in Scotland July 11th, 1758. His parents designed him for the ministry, and sent him to the Dundee classical school. Before he entered the ministry he migrated to America, arriving in Charlestown, Massachusetts, A. D. 1774. Soon after the colonies declared their independence and young Miller at once

espoused the cause of liberty, and when General Greene passed through Boston, he enlisted as a Revolutionary soldier. He participated in the battles of Long Island, where he was wounded in the face, of Brandywine, White Plains, and the siege of Valley Forge. With the army he traveled south, where he remained after peace was restored and the army disbanded. He began his work as a licentiate of the Episcopal Church without authority to administer the sacraments. His people of White Haven church, in Lincoln County, sent a petition to the Lutheran pastors of Cabarrus and Rowan, with high recommendations, praying that he might be ordained by them, which was accordingly done at St. John's church, Cabarrus County, on the 20th of May, 1794. His ordination certificate reads: "To all to whom it may concern, Greeting: Whereas, A great number of Christian people in Lincoln County have formed themselves into a society by the name of White Haven church, and also have formed a vestry: We the subscribers having been urged by the pressing call from the said church to ordain a minister for the good of their children, and for the enjoyment of y^e gospel ordinances among them, from us, the ministers of the Lutheran Church in North Carolina, have solemnly ordained," etc., * * * "according to y^e infallible word of God, administer y^e sacraments, and to have y^e care of souls; he always being obliged to obey y^e rules, ordinances and customs of y^e Christian Society, called y^e Protestant Episcopal Church in America," etc. This White Haven was situated near the Catawba, on the opposite side of the great highway from Castanea Presbyterian church. The Lutherans subsequently built a White Haven three miles north on the same highway. Rev. Miller attended the Episcopal Convention, held in Raleigh, April 28th, 1821. His object was to connect himself fully with the Episcopal Church, to which he really belonged. As there was no Episcopal diocese at the time of his ordination

in the State, he felt it his duty to form a temporary connection with the Lutheran Church, was admitted a member of the Lutheran North Carolina Synod at its organization in 1803, and labored for her welfare twenty-seven years, until 1821, when he severed that connection, and was ordained to deacon's and priest's orders in the Episcopal ministry. Mr. Miller likewise attended the Lutheran North Carolina Synod in 1821, and from its minutes the following is quoted: "The president now reported that the Rev. R. J. Miller, who had labored for many years as one of our ministers had been ordained by the Bishop of the Episcopal Church as a priest at a convention of that church; that he had always regarded himself as belonging to that church, but because the Episcopal Church had no existence at that time in this State, he had himself ordained by our ministry, with the understanding that he still belonged to the Episcopal Church. But as the said church had now reorganized itself (in this State) he has united himself with it, and thus disconnected himself from our Synod, as was allowed him at his ordination by our ministers. Rev. Miller then made a short address before Synod and the congregation then assembled, in which he distinctly explained his position, so that no one should be able to say that he had apostatized from our Synod, since he had been ordained by our Ministerium as a minister of the Episcopal Church. He then promised that he would still aid and stand by us as much as lay in his power. With this explanation the whole matter was well understood by the entire assembly, and was deemed perfectly satisfactory. Whereupon it was resolved that the president tender to Rev. Miller our sincere thanks, in the name of the Synod, for the faithful services he had hitherto rendered our church. This was immediately done in a feeling manner." Mr. Miller died in 1833. One of the last acts of his ministry was to marry in that year Col. Michael Hoke and Miss

Frances Burton, daughter of Judge Robert H. Burton. The marriage took place at Beattie's Ford. A carriage was sent to bring Mr. Miller from Burke to solemnize it. Some time after marriage Colonel and Mrs. Hoke were confirmed. One of their sons is the distinguished Confederate General, Robert F. Hoke.

Col. W. L. Saunders, eminent authority, pays the State a tribute (Col. Records, IV, Pref. Notes), that applies to Lincoln County: "Remembering the route that General Lee took when he went into Pennsylvania on the memorable Gettysburg campaign, it will be seen that very many of the North Carolina boys, both of German and Scotch-Irish descent, in following their great leader, visited the homes of their ancestors, and went thither by the very route by which they came away. To Lancaster and York counties in Pennsylvania, North Carolina owes more of her population than to any other part of the known world, and surely there was never a better population than they and their descendants—never better citizens, and certainly never better soldiers."

As the waters of the Catawba, that lave its eastern border, and the South Fork, that flows through its center, united as they left old Lincoln in their onward sweep to form the Great Catawba, so have the settlers on the Catawba and the South Fork merged into a Scotch-Irish-German people, preserving the virtues, and mayhap the weaknesses, of a noble ancestry. These settlements will be noticed separately.

THE SCOTCH-IRISH SIDE.

Early in the eighteenth century the Scotch-Irish emigrated to Pennsylvania, and from thence some came direct, while others, and their descendants settled in Virginia before coming to this section. A few of these settlers may have been of other nationalities, but a careful writer has referred to this part of the country as "one of the areas of North Caro-

lina, dominated by the sturdy Scotch-Irish strain; where the thistle and the shamrock were planted toward the close of the eighteenth century; where they throve and flourished, and unaided produced results marvelous for the place and time. The Scotch gumption and Irish ardor, finely blended, was the patrimony of this section."

On the early maps the Great Catawba marked the tribal division between the Catawbas and the Cherokees. East of the river dwelt the Catawbas, once a numerous and powerful people. This nation "writ its name in water," the Catawba embalms it and it will be perpetuated while its majestic waters flow

"To where the Atlantic lifts her voice to pour
A song of praise upon the sounding shore."

As the white settlements extended, the Cherokees receded toward the setting sun, and occupied the peaks of the Blue Ridge. Roving bands raided the settlements. One of the Beattys went into the range in search of his cattle. He was discovered and pursued by the Indians. When within a mile of home he concealed himself in the hollow of a large chestnut tree. The bark of his little dog disclosed his hiding place and cost him his scalp and his life. The old chestnut disappeared long since, but the place where it stood is yet well known.

Jacob Forney and two of his neighbors were attacked by a band of Cherokees. One of them, Richards, was wounded and scalped. Forney, though shot at many times by the Indians, reached his log fort in safety. The neighbors buried poor Richards where he fell.

"No useless coffin enclosed his breast,
Nor in sheet nor in shroud they wound him."

The site of his lone grave in the depth of the wildwood is yet pointed out, situate near the old log fort where Jacob Forney first settled.

Among the settlers on this side occur the names, Allen, Anderson, Armstrong, Baldrige, Ballard, Barkley, Barnett, Beal, Bell, Beatty, Black, Bradshaw, Brevard, Bryant, Cherry, Childers, Cooper, Cox, Daily, Davis, Derr, Duncan, Edwards, Graham, Hunter, Hutchinson, Jetton, Johnston, Kelly, Kincaid, King, Knox, Little, Long, Lowe, Luckey, Lynch, McAlister, McCaul, McCombs, McConnell, McCormick, McIntosh, McLean, McMin, Nixon, Proctor, Regan, Reid, Robinson, Shelton, Stacy, Thompson, Wilkinson, Wingate, and Womack; while in the western part, are found, Alexander, Baxter, Blackburn, Cobb, Goodson, Henderson, Hill, McBee, McCaslin, Potts, Ramsey, Williamson, Wilson, and others.

The first pale-face to set foot on the soil of Lincoln was the bold pioneer, John Beatty. One of his land grants bears date July 17th, 1749. He settled on the west bank of the Catawba. The shoal at this point, over which the river tumbles with a gentle murmur, forms a splendid ford. It was at this ford John Beatty crossed, and it yet bears his name, Beattie's Ford. As the soil of Lincoln at Beattie's Ford felt the primal tread of Anglo-Saxon, Beattie's Ford deservedly figures largely in the recital.

The old pioneer, John Beatty, located his home above the ford, in the shade of the hillside, overlooking the beautiful Catawba. Near by gurgled a limpid spring, its waters trickling off in a sparkling brooklet to the river. John Beatty had two sons, Thomas and Abel, and one daughter, Mary, the wife of Matthew Armstrong. It is always interesting to hear the last words of the departed. John Beatty's will bears date 5th January, 1774. In this he gives to Margaret Beatty certain items of personalty and his homestead to William Beatty. These were his grandchildren, the children of Thomas Beatty. Marked traits of his character are apparent in this document. A short quotation will exhibit his love

for rectitude and obedience, and desire to keep his homestead in the line of his own blood: "And if y^e above named Margaret or William Beatty or either of them does misbehave or be disobedient when come to y^e years of maturity, either going against their parents will in the contract of marriage or any way remarkable otherwise, that legatee is liable to y^e loss of his part of this legacy, and to be given to y^e other, the offending person entirely cut off at their parents discretion, or those that it may please to have the guardian and care over the above-mentioned persons William and Margaret Beatty. And further I do not allow the said lands that is left to y^e above named William Beatty to be ever sold or disposed of by any means or person whatsoever, but to firmly remain and continue in the line and lawful heirs of the above named William Beatty's body and to continue in that name as long as there is a male heir on the face of the earth, and after for the lack of a male heir to y^e nighest female heir."

Thomas Beatty died in 1787, leaving three sons, John, Thomas, and William. The inventory of his estate exhibits in minute detail the entire possessions of a well-to-do man of the pioneer period. A few items ranging between his broad acres and a fine-toothed comb will indicate the extent and variety of his possessions: "944 acres of land, ten negroes, seventeen horses, sixty-six cattle, eighteen hogs, thirteen sheep, thirty-four geese, five ducks, lot poultry, five pewter dishes, sixteen pewter plates, twenty-four pewter spoons, one pewter basin, one pewter tankard, one crook and two pot hooks, one dutch oven, and griddle and frying pan, one dough trough, one chest, two spinning wheels, and one big wheel, three pair cards, cotton, wool, and tow, one check reel, one weaving loom, twenty-three spools, for spooling cotton, five reeds for weaving, nine sickles, one foot adze, one thorn hack, one hackel, two iron wedges, two bleeding lances, one hair sifter, two riddles, three gimlets, thirteen bushels flax

seed, six bushels buckwheat, one slide, two bells and collars, 750 clapboard nails, four pair half worn horse shoes, one redding comb, one fine-toothed comb, three coats and one great coat, two jackets, one pair buckskin breeches, one pair trousers, three hats and two linen shirts," constitute about one-fourth of the articles enumerated.

In the pioneer stage every man was his own carpenter, and the women knew how to card, spin, weave, and sew. The men wore linen shirts and buckskin breeches; the women, arrayed in their own handiwork, were beautiful in the eyes of the forester. The patrimony of the son was broad acres; the dowry of the daughter was a horse and saddle, cow and calf, a spinning wheel and check reel. The young men were gallant, and the young maids charming. The young men learned the art of horsemanship not only in the chase, but by the constant habit of traveling on horseback, and every woman was an expert horse-rider. The horse sometimes served as a tandem, the man riding in front, the woman behind; and, if trustworthy tradition is given credence the young men sometimes augmented the pleasure of this system of equestrianism by making their steeds caper, thereby frightening their innocent companions into a firm embrace to retain their positions.

Most of the early Scotch-Irish were Presbyterians, and the religious center was Beattie's meeting house. This place of worship was established by the pioneer, John Beatty, one mile west of Beattie's Ford. The meeting house stood on a level plat of ground in a beautiful grove of oak and hickory near a spring. Beattie's meeting house was built of logs. In 1808, it was decided to erect a more commodious edifice, and a plat of several acres was conveyed for the purpose by James Little to "James Connor, Alexander Brevard, John Reid and Joseph Graham, trustees." The kirk is named in the deed, Unity. In 1883 another church was erected and

additions to the former church lands made by conveyances from Robert H. Burton, W. S. Simonton, and Mary King to "John D. Graham, D. M. Forney, and John Knox, trustees." This is the conventional structure of that period with its gallery and large pulpit.

From the first settlement this was a place of worship. The headstones date back to 1776. Dr. Humphrey Hunter, a native of Ireland, and soldier in the Revolution, was pastor from 1796 to 1804. Next came Rev. Henry N. Pharr. He was succeeded by Patrick Sparrow. Mr. Sparrow's father was a potter in Vesuvius furnace. When lads the future Governor Graham was hard put to it to keep pace with Patrick, and the members of the Governor's family ascribed some of his success to this auspicious rivalry in the old-field schools. General Graham, thus having the lad's aptitude brought to his attention, interested others with him in giving Patrick an education. When he became pastor of Unity an old negro servant of General Graham's expressed her surprise at his rise of fortune, by exclaiming that the boy who ate ash cakes with her children had become her master's preacher. Mr. Sparrow was the first professor of languages at Davidson College, and afterwards President of Hampden-Sidney. The present pastor is Rev. C. H. Little, descended from a pioneer family.

About the year 1790 Maj. John Davidson, with his sons-in-law, Maj. Joseph Graham and Capt. Alexander Brevard, crossed from the Mecklenburg side into Lincoln, and with Gen. Peter Forney engaged in the manufacture of iron. These were all Revolutionary soldiers. The beginning of the nineteenth century witnessed civilization progress with leaps and bounds. Then followed years of plenty. The virgin soil brought forth bountifully. Herds of cattle and droves of swine ranged at large unrestrained by any stock law. Deer, turkey, wild geese and duck abounded. The

Catawba was filled with shad, trout and red horse. A trackless wilderness had been transformed into a moving, populous community. Instead of the wigwam, was the homestead dwelling. Instead of the Indian war-whoop, was to be heard the furnace blast breathing forth actual and potential energy, and the stroke of the great trip hammer at the mighty forge as it beat the heart throbs of commercial activity. They were years of peace and growth, of marriage and home-building, of quiet domestic happiness.

The different grants to the Beattys approximate three thousand acres. William and John Beatty sold to John Fullenwider, an early iron master; and Thomas Beatty to Alfred M. Burton. Mr. Fullenwider divided his purchase between his sons-in-law, Alfred M. and Robert H. Burton; they settled on their splendid estates and became potent influences in the community. Alfred Burton settled above the ford, the old John Beatty house constituting one wing of the residence he erected. Robert H. built a spacious mansion below the ford. They were learned lawyers and elegant gentlemen. Their dust reposes in Unity graveyard, beside that of their kinsman, Hutchings G. Burton, once Governor of the State. Robert H. Burton filled the office of Superior Court Judge. After Judge Burton's death his homestead was purchased by Col. John H. Wheeler, the genial historian. Colonel Wheeler filled the office of State Treasurer and many positions of trust, but is best known for his great work, "Wheeler's History of North Carolina." This he compiled at Beattie's Ford, devoting to it about ten years' time. The preface bears date, "Ellangowan, Beattie's Ford, N. C., 1st July, 1851."

Three brothers—Charles, James and Henry Connor—from Antrim, Ireland, settled near Beattie's Ford. James was a captain in the Revolution. Henry, the youngest, a patriot soldier, located near Cowan's Ford. Colonel Wheeler

sold out at Beatty's Ford to Maj. Henry W. Connor, the son of Charles. Major Connor derived his title for service under General Graham in the campaign against the Creek Indians. He was a man of great popularity and represented his district in Congress twenty-three years. His homestead was identical with Judge Burton's.

Skilled physicians of sweet memory are William B. McLean and Robert A. McLean, father and son. The elder was a son of Dr. William McLean, a continental surgeon, resident in the forks of the Catawba.

Jacob Forney first settled on the creek near the present town of Denver, the scene of his Indian troubles. This farm passed to his son, Capt. Abraham Forney, a soldier of the Revolution, and yet belongs to his descendants. Gen. Peter Forney, son of the pioneer, was a patriot soldier, member of the House, Senate and Congress. As presidential elector, he voted for Jefferson, Madison, Monroe, and Jackson. He erected a forge at his home and Madison furnace on Leeper's Creek, that was afterwards owned by J. W. Derr. He obtained possession of valuable ore beds, and commenced building his iron works in 1787, and recorded that he produced hammered iron in his forge 26th August, 1788.

Maj. Daniel M. Forney, eldest son of Gen. Peter Forney, received his title in the war of 1812, also served as Senator from Lincoln County, and member of Congress. He erected a palatial residence, modeled after a house at the national capital. The site chosen is an eminence between two creeks, where Jacob Forney lived when the British quartered on him. This picturesque old mansion, with its long white columns, surrounded by a grove of original oaks, yet retains the charms of its ancient architecture. Major Forney sold to Alexander F. Gaston, a son of Judge Gaston. It next passed to James Anderson, and is now owned by Mrs. W. E. Hall. Henry Y. Webb, Bartlett Shipp, William Johnston, C. L.

Hunter, and Christian Reinhardt, married daughters of Gen. Peter Forney. Henry Y. Webb was a lawyer and represented Lincoln County in the House of Commons. Bartlett Shipp was a lawyer, a member of the Legislature, and of the constitutional convention of 1835. His son, William M. Shipp, was a member of the House of Commons, Senator, Superior Court Judge, and Attorney-General of the State. W. P. Bynum married Eliza, daughter of Bartlett Shipp, and settled on the Henry Y. Webb homestead. He was an eminent lawyer, Colonel in the Confederate Army, Solicitor of his district, and Justice of the Supreme Court. His son, William S. Bynum, was a Confederate soldier, lawyer and Episcopal clergyman.

William Johnston, a physician, married Nancy Forney, and located at Mt. Welcome, General Forney's homestead. His five sons were gallant Confederate soldiers. William H., Robert D., and James F. entered the service in the Beatty's Ford Rifles, which was mustered into service as Company K, 23d Regiment; William H. and James F. won captains' commissions; while Robert D., by promotion became a distinguished Brigadier General; Joseph F., late Governor of Alabama and now United States Senator from that State, was Captain of Company A, 12th Regiment; Bartlett S. Johnston served in the Confederate States Navy. Dr. William Johnston was a son of Col. James Johnston, a soldier of the Revolution, one of the heroes of King's Mountain, the first Senator from Lincoln, and elder at Unity. When Gaston County was set up from Lincoln, Colonel Johnston's homestead on the Catawba fell in Gaston County. Dr. C. L. Hunter was a scientist and historian. He was the son of Rev. Humphrey Hunter, a soldier in the Revolution. Mary, daughter of Gen. Peter Forney, married Christian Reinhardt, a planter, and they migrated west.

Joseph Graham attained the rank of major in the Revolution and his title as general in 1814, when commissioned Brigadier-General and sent in command of North Carolina troops to aid General Jackson in the Creek War. To his narratives of the battles of Ramsour's Mill, King's Mountain and Cowan's Ford is largely due the preservation of the Revolutionary history of this section. John D. Graham, his eldest son, retiring from Vesuvius furnace, erected a brick residence on the Catawba below Beattie's Ford, now the home of his son, Clay Graham. James was a lawyer and politician, representing his district in Congress sixteen years. William A., the general's youngest son, read law and located at Hillsboro for the practice of his profession. He was twice Governor, United States Secretary of the Navy, and Confederate States Senator, and candidate for Vice-President on the Scott ticket. Pure and spotless in private life, a learned lawyer, a ripe scholar, a statesman of ability and clear judgment, he is esteemed by many as the greatest man produced by the State of North Carolina. William A. Graham, son of the Governor, Major and Assistant Adjutant-General, historian and author, the present Commissioner of Agriculture, resides at Forest Home, the ancestral homestead.

Robert Hall Morrison, D.D., the first President of Davidson College, an eminent divine, was the honored pastor of Unity for forty years. He married Mary, daughter of General Graham. Cottage Home, his homestead, is intimately associated with the Confederacy, for it was there that J. P. Irwin, Lieut.-Gen. D. H. Hill, Lieut.-Gen. Stonewall Jackson, Brig.-Gen. Rufus Barringer, Maj. A. C. Avery, and Col. John E. Brown, respectively married Harriet, Isabella, Anna, Eugenia, Susan, and Laura, daughters of Dr. Morrison. His sons were Maj. William W. Morrison, Joseph G. Morrison, A.D.C., on General Jackson's staff, Robert H. Morrison, A.D.C. to General Barringer and General Hill.

His youngest son, Alfred J. Morrison, was a lawyer, politician, and Presbyterian minister.

Alexander Brevard early received a captain's commission in the Continental Army. He built Mount Tirzah and Rehoboth furnaces. Captain Brevard's homestead passed to his son Robert A. Brevard, then to his grandson, Alexander F. Brevard, and upon his death to Brevard McDowell, a great-grandson. Captain Brevard and General Graham were honored elders at Unity, but were buried in a private cemetery of their selection where Macpelah Church was afterwards built. Vesuvius furnace passed into the hands of J. M. Smith, a man who by his own initiative and endeavor rose to position and influence and left a name distinguished for good sense, kindness of heart, and business tact. He built Stonewall furnace, on Anderson Creek.

On the post road between Beattie's Ford and Vesuvius furnace are the Catawba Springs, a famous resort in ante-bellum days. This was formerly Reed's Springs, owned by Capt. John Reed, a soldier of the Revolution and Senator from Lincoln County. Valuable factors of this community are the Asburys and Mundys, descendants of Rev. Daniel Asbury and Rev. Jeremiah Mundy, pioneer Methodist ministers. Rev. Daniel Asbury, when a youth, was taken by a band of Shawnee Indians, carried to the far northwest and held in captivity five years. In 1791 he established in Lincoln County the first Methodist church west of the Catawba River. Rev. Jeremiah Mundy was a native of Virginia and located in Lincoln County in 1799. He was a soldier in the Revolutionary War three years and a minister for thirty-five years.

As one thinks of the old country 'squire who settled disputes between his neighbors, of the kind-hearted physician, and the "lords of the manor," it seems "there were giants in those days." But life was not all serious; it had its great

sunshiny side. They were apt at repartee, fond of the innocent joke, and in social intercourse, peals of laughter went the merry round; for, has not the wisest of men said, "there is a time to laugh"? And, alas, in those halycon days, they loved not the flagon to excess, but indulged a morning horn to ward off the rising vapors, and the invitation to sample the liquid contents of the sideboard was a mark of hospitality. The sweet women, the embodiment of all that is true, charming and good, raised high the standard of social purity. The blushing bride became the uncrowned queen of the home, around which the husband entwined the noblest affections of his heart. In this genial clime the pioneers found a fertile land, undulating with hills and vales, chequered with creeks and rills, and bountifully supplied with springs. One mile west of Beattie's Ford, and flowing for some distance parallel with the river, is a large branch. On this they found a maritime city, with streets of water through meadows green, the habitation of the beaver. This animal had felled trees, builded a great dam, ponding the waters over many acres, so it was called Beaver Dam Branch. The Burton mill was situate on the site of the old beaver dam. The water from the pond was conducted through a race to the great overshot wheel, the motive power of the mill. On the ridge between the Ford and Beaver Dam Branch three highways came together. At their convergence was situate the village of Beattie's Ford with its mercantile establishments. One of these roads was the great stage line via Lincoln and Salisbury connecting far distant points. The post-office of Beattie's Ford supplied a wide extent of country. The approach of the stage was announced by winding blasts from the long tin horn of the driver.

Exhaustless iron beds were discovered in other sections in connection with limitless coal veins, and the fires of the charcoal furnace were quenched, and the furnace blast and

forge hammer were heard no more. Some of the leading spirits opposed the entrance of railroads, and their tracks were laid over other routes. Trade centers sprang up on their lines, and the stores at Beattie's Ford were closed. The long interregnum of peace came to an end. The noise of war was again heard in the land, and this section suffered in blood and treasure and shattered homes.

THE DUTCH SIDE.

The German settlers came from Pennsylvania. Their ancestors and some of them came from Germany. Their settlement covers the whole of the county, except the eastern portion bordering on the Catawba, and in this portion among the Scotch-Irish were the German families of Cloninger, Earnhardt, Forney, Hager, Lockman, Keever, Killian, Nantz, Sifford and others. The names of the German pioneers deserve special mention, and many follow: Aderholdt, Anthony, Arndt, Bangel, Benick, Beisaner, Beam, Bolinger, Boyles, Botz, Coulter, Dellinger, Detter, DeVepaugh, Dietz, Eddlemon, Finger, Freytag, Gantzler, Gross, Haas, Hafner, Helderman, Hallman, Hartzoge, Houser, Heedick, Heil, Heltebrand, Henkel, Hoke, Huber, Hull, Jared, Jonas, Jundt, Keener, Kizer, Kistler, Klein, Kneip, Krauss, Kuhn, Lantz, Leeper, Lehnhardt, Leonard, Lingerfelt, Link, Lohr, Loretz, Lorentz, Lutz, Michal, Miller, Mosteller, Plonk, Propst, Quickel, Ramsauer, Rein, Reinhardt, Rieb, Rinck, Rudisill, Sain, Scheidel, Schenck, Schufordt, Scronce, Seigel, Shrum, Seitz, Shoup, Shull, Sigmon, Spiegel, Strutt, Summerrow, Troutman, Tutherow, Warlick, Weber, Weckesser, Wehunt, Weiand, Weiss, Wetzstein, Wisenhunt, Workman, Yoder, Zimmerman.

Many of the American names have been anglicised, and the spelling changed. To be a Zimmerman when one could be a Carpenter was too unprogressive. Likewise Weber be-

came Weaver, Kruss, Crouse; Huber, Hoover; Freytag, Friday; Gantzler, Cansler; Heil, Hoyle; Jundt, Yount; Kuhn, Coon; Klein, Cline; Rieb, Reep; Weiss, Wise; Wetzstein, Whetstone; and so with many others.

They selected the finest lands and settled along the streams. Their first dwellings were log cabins, then followed the red-painted mansion. A few of the old red-painted houses, built near the spring, yet stand, monuments of a bygone age. They have always built large barns. Sweet memories of the pioneers, and many valuable papers linger among their descendants. To give some illustration of pioneer times and conditions a few notes of one family will be made.

Derrick Ramsour came with the pioneers about 1750. He erected a mill on Clark's Creek, near its junction with the South Fork River, that was a noted industry and place in colonial days. The subjects of the king often divided their estates to prevent the oldest son becoming sole heir under the English law of primogeniture. In April, 1772, impelled by natural love and affection, he conveyed his property to his two surviving sons, Jacob and David; first, however, requiring them to enter into a bond in the sum of one thousand pounds proclamation money for his support, conditioned that they pay unto him every year during his natural life, "fifteen pounds proclamation money, twenty-five bushels clean, sound wheat, twenty-five bushels Indian corn, fifty-two pounds of good butter, four hundredweight of good wholesome beef, one-sixth of the net profits of the fruit trees, thirty pounds sugar, three pounds Bohea tea, two pounds coffee, twelve gallons of whiskey, four bushels of malt, one bushel of salt." They also engaged to erect "a commodious and convenient residence for him, the said Derrick Ramsour, in order to live retired with a sufficient store and store room, and furnish the same with the necessary furniture sufficient for his accommodation which building is to be erected on such a part of

the premises as he, the said Derrick Ramsour, pitches upon." Also to find for him "one good feather bed and decent and necessary furniture, and find and provide for him sufficient firewood, ready hauled to his dwelling, to be cut a foot length as often as occasion or necessity shall require; and also to supply him with a gentle riding horse, saddle, and bridle to carry him wheresoever he may require to go, together with a sufficient and necessary stock of wearing apparel both woolen and linen, warm and decent, and becoming one of his circumstances to wear, together with the proper food and washing during his natural life."

Then by bill of sale he conveys to his sons Jacob and David his "whole stock of black or neat cattle running on the said lands whereon I now live, or to be found in the woods or range, whether in my own proper mark, or the mark of those from whom I might heretofore have purchased; also all and singular my horses, mares, colts, yearlings, etc., which of right doth or ought to belong to me, whether at this time in my actual possession, or running their range at large, also all my stock of hogs and sheep, be the same more or less in number, wherever to be found, together with my wagons, gears, plows, harness, still and vessels, plantation and carpenter tools of every kind whatsoever."

To Jacob he conveys the plantation situate in the forks of the South Fork River and Clark's Creek and adjoining tracts, in all 960 acres, including the mill. This tract adjoins the western limits of Lincolnton. The residence erected for Derrick stood beside that of Jacob on the slope of the hill a few hundred feet to the west of the mill that was destined to become historic during the Revolution. The South Fork River, in a great bend, forms its junction with Clark's Creek. In this bend are three hundred acres of fertile bottom. Jacob Ramsour died in 1787, and was buried in a private burying ground, on the highest part of the ridge west of his house.

To David Ramsour he conveyed six hundred acres lying three miles farther up the river. This tract is likewise situate in a great bend of the river including a broad sweep of level bottom. On this farm to-day is the one-story cabin, built of immense hewn logs, erected by David Ramsour, a relic of pioneer days and architecture. The great stone chimney is built entirely inside the house with fireplace seven feet across, over which is the mantel nine feet long hewn out of a log. In the chimney are cross bars from which the pot-hooks were suspended to hold the cooking utensils in position over the fire. This cabin occupies a knoll, commanding a fine view with picturesque surroundings. It slopes toward the south forty yards to the river. Near by is the rock-walled spring, with stone steps leading down to its cool waters, shaded by giant white oaks. Next stands the old red-painted mansion characteristic of the early Dutch, built by his son, John Ramsour, every part of which is put together with hand forged nails. A little way out in the bottom is the brick mansion of Jacob Ramsour, son of John. These, with the modern residence of Thomas J. Ramsour, in view of each other, standing in a radius of half a mile, represent four generations of the Ramsour family. On a gentle knoll in the great bottom is the family burying ground, where rests Jacob Ramsour, who died in 1785, and many of his descendants.

The Germans encountered many hardships incident to the settlement of a new country, but one of their most trying ordeals was the change of their language from their native German to English. They called themselves Dutch and their language Dutch, and so are called to this day both by themselves and others. The pioneer Germans were Lutherans and Reformed, and they usually occupied the same house of worship, where on alternate Sabbaths they worshiped, and this is still the case in a number of churches. Four miles northwest of Lincolnton the pioneers established a place of

worship and a schoolhouse called Daniel's, on a tract of fifty acres, but did not take a grant. In 1767 a grant was issued to Matthew Floyd for the tract of fifty acres including a "schoolhouse." In 1768 it was purchased by Nicholas Warlick, Frederick Wise, Urban Ashehanner, Peter Statler, Peter Summey and Deter Hafner, who conveyed it to the "two united Congregations of Lutherans and Calvinists." The services were in German, and the records written in German script until 1827. On this tract each has a brick church and by them stands the brick schoolhouse. Eleven miles east of Lincolnton, on the great highway is the site of the "Old Dutch Meeting House." The deed is from Adam Cloninger to the "German Congregation of Killian's Settlement." The first church lot in Lincolnton was conveyed June 10th, 1788, to Christian Reinhardt and Andrew Hedick, trustees for the "societies of Dutch Presbyterians and Dutch Lutherans" of the town and vicinity, "for the intent and purpose of building thereon a meeting house for public worship, schoolhouses, both Dutch and English, and a place for the burial of the dead." This was called the old White church and occupied the site of the present Lutheran church. The reference in title deeds to "Calvinists," and "Dutch Presbyterians" is to the German Reformed or, as now known, the Reformed Church.

The pioneers brought with them Luther's German translation of the Bible. No dust was allowed to gather on this precious volume. These have been handed down from generation to generation, and in almost every family to-day can be found the Dutch Bible of the pioneers printed in a language now considered foreign, yet justly esteemed precious heirlooms.

Rev. Johann Gottfried Arndt came from Germany as a school-teacher in 1773, and was ordained into the Lutheran ministry in 1775. He died in 1807 and was buried beneath the old White church in Lincolnton. The inscription on his

tombstone is in German, above it an eagle and thirteen stars, and the motto of the new republic, *E pluribus unum*. The Reformed preacher of this time was Rev. Andrew Loretz, a native of Switzerland. He died in 1812 and was buried at Daniel's. On the gable of his mansion, outlined in colored brick, are the initials of his name and the date, A. L. 1793. Only the German was used during their pastorates. Living in the same county, and preaching in the same churches, these godly men were devoted friends, and engaged that whichever died first should be buried by the survivor. The Lutheran pastor at Daniel's is Rev. Luther L. Lohr, and in Lincolnton Rev. Robert A. Yoder, D.D., descendants of the Dutch settlers. While Rev. William Ramsour Minter, pastor of the Presbyterian church in Lincolnton, is a grandson of Jacob Ramsour; and great-grandson of David Ramsour, both elders in that church; David Ramsour was a son of Jacob Ramsour, owner of the historic Ramsour's Mill.

The North Carolina Synod held an historic meeting in the "old White church" in May, 1820. Then occurred the first rupture in the Lutheran Church in the New World. The president maintained his position in a long discourse in the German, the secretary followed in a longer one in English. This church and others withdrew and, July 17th, organized the Tennessee Synod. At its first meeting German was made the business language and all its transactions were to be published in German. In 1825 the minutes were published in both German and English. In 1826 David Henkle was appointed interpreter for the members who did not understand the German, and it was ordered that "the business of Synod shall be transacted in the German language during the first three days, afterwards the English shall be used."

But perhaps the greatest hindrance was in the State. The English was the dominant language. The laws were written and expounded in English, and all public affairs con-

ducted in that language, and this prevented many from active participation in public affairs. The change was gradual, but was perhaps most marked between the years 1820 and 1830. The entire German population outgrew the use of the German tongue. In their pulpits no longer is it heard, nor have they German schools. Now the Pennsylvania Dutch is seldom ever heard, and even the accent and idiom remain on but few tongues; yet it is sometimes observed in the use of the letters v and w, b and p, t and d. This is seen in some of the family names; Bangel and Pangle are the same name; likewise Boovey and Poovey, Tarr and Darr; David Darr was called Tavy Tarr. A venerable elder of fragrant memory, when the preacher ascended the pulpit to begin service, was accustomed to step to the door and proclaim to those outside, "De beobles will now come in, te breaching is reaty."

The Pennsylvania Dutchman had his humorous side, for

"A little nonsense now and then
Is relished by the best of men."

They had their sports and amusements, their holidays and gala days, their Easter fun and Kriss Kringle frolics. Many of their sports and amusements partook more of skill and labor than dissipation and debauchery, such as corn-shuckings, choppings, log-rollings, house-raisings, spinning-matches, quiltings and the like, tending to manly vigor and modest womanhood, and brightening the links of friendship and brotherly love. By hunting deer and turkey, the squirrel and other game they became expert riflemen. In the fall of the year shooting-matches were common, the usual prize a quarter of beef or a turkey. A witness at court, when asked to fix the date of a certain transaction, replied "at shooting-match time." They were great fanciers of fine stock, and the old Dutch farmer never felt more lordly than

when hauling great loads with his sleek team of horses. The race track also had its devotees. Two prominent Germans were once called to the bar of the church for some cause resulting from a noted race run on the Warlick path. The one who lost expressed proper contrition. The other was incorrigible. Proud of his horse, the stakes, and exulting in the plaudits of the community, he promptly responded "I not sorry. I von. Mr. H. werry sorry, he loss."

On the Dutch side are many signs and folk lore of interest. The Dutch farmer is a close observer and is often governed by signs. The moon is a powerful potentate. Its phases are closely watched, and there is a time to plant every seed, cut timber and do many things. A champion turnip grower used an incantation of virtue in casting the seed, resulting in a fourfold quantity. Each time he threw the seed with his hand he repeated a line of the following:

"Some for the pug,
Some for the fly,
Some for the Debil,
And in comes I."

Michael Schenck, in 1813, erected the first cotton factory, run by water power, south of the Potomac. It was a small affair located on a branch, one mile east of Lincolnton, but proving profitable, attracted Col. John Hoke and Dr. James Bivins, and they became partners of Michael Schenck. The firm in 1819 erected the Lincoln Cotton Mills, with three thousand spindles, on the South Fork, the beginning of the cotton mill industry in this section. This mill was burned in 1863.

There are situate in Lincolnton and within four miles along the South Fork, thirteen cotton mills controlled by descendants of the Dutch. The only cotton mill in the county at the close of the war was the Elm Grove, owned by John F. Phifer, now operated by Robert S. Reinhardt. The Confederate

States government, about 1864, erected a laboratory for the manufacture of medicines on the site of the old Lincoln factory. In 1887, J. A. Abernethy and D. E. Rhyne erected the Laboratory Cotton Mills on the site of the Confederate laboratory, R. E. Costner, J. A. Anthony, L. J. Dellinger, John M. Rhodes, and W. A. Rudisill are mill men. Daniel E. Rhyne is proprietor of three of these mills. Other successful mill men are J. A. Abernethy, Edgar Love, and J. M. Roberts. The late Capt. Joseph G. Morrison erected the Mariposa Mills, at the old Forney forge on Leeper's Creek. Paper mills were operated for many years on the South Fork. Among the noted manufacturers of paper were William and Rufus Tiddy.

One of the noted pioneers was Daniel Warlick. His entries approximate three thousand acres. In 1769 he made division of it among his five sons and four daughters. The oldest enterprise in the county to-day is the mill he established on a branch five miles west of Ramsour's. It was once destroyed by the Cherokees. This property has passed from father to son, and is to-day owned by Jacob R. Warlick, a great grandson. It is now a modern roller-mill, the motive power a waterfall of sixty-two feet.

The old highway from Ramsour's Mill to Warlick's Mill crossed the South Fork River at Reep's Ford, just below the present Ramsour bridge. Here lived Adam Reep and his brothers, Adolph and Michael, all Whig soldiers. Just to the west, in a private burying ground, rests Nicholas Heamer, a patriot soldier and one of the last survivors of the Battle of Ramsour's Mill.

The subject of dress properly occupies large space in woman's thought. In the olden time there were no stores near with heavily laden shelves from which to select, but they knew how to color, then combine the colors in beautiful fabrics, and were experts in fine weaving. They perhaps

were not bothered with gores and biases, frills and puffs, yet they had their trouble in cutting, fitting, and arranging the trimming as do those of the present with the latest magazine and fashion plate. It is certain that in the vigor and strength of perfect development they were fair to look upon, equally at home, in the parlor or in the kitchen alive to the wants of humanity and duty to God. Much of this inspiring record is due the example, counsels and prayers of pious mothers; and while the songs of the nursery mingle with lessons of peace and love, and tender hearts are impressed with religious truth the result will be men and women of high type.

As the century waned the German citizens were becoming prominent in public affairs. In 1797, John Ramsour represented Lincoln County in the House of Commons and twice afterwards. Then follows John Reinhardt in 1799, Peter Forney in 1800. Peter Hoyle was elected in 1802 and fourteen times afterwards; Henry Hoke in 1803; David Shuford in 1806. Then follows Loretz, Killian, Cansler and others.

Henry Cansler was long an influential citizen. He filled the offices of county surveyor, sheriff, clerk of the court and member of the General Assembly. His father and grandfather each wrote his name in the German, Philip Gantzler.

Jacob Costner was one of the first justices of Tryon County, sheriff of Tryon 1774 and 1775, major of the Tryon Regiment in 1776, died in 1777. Ambrose Costner, his great-grandson, planter and financier, was often the popular representative of Lincoln County in the House and Senate.

John F. Reinhardt, Confederate soldier, planter, commoner and senator, is a great-grandson of Christian Reinhardt, "agent of the Dutch Presbyterians." He owns the Bartlett Shipp homestead. His father, Franklin M. Reinhardt, operated the Rehobeth furnace.

Andrew Hedick, a great-grandson of Andrew Hedick, "agent of the Dutch Lutherans," resides on the ancestral

homestead. He lost his right arm in the fearful struggle at Chancellorsville. After the war he attended Pleasant Retreat, and prepared himself for school teaching. For many years he filled the office of county treasurer and is one of the county's honored citizens. Andrew Hedick is likewise the survivor of the usually mortal wound of a musket ball passing entirely through his body, as are also Abel Seagle and David Keever.

David Schenck, grandson of Michael Schenck, was a great advocate and lawyer, a judge of the Superior Court and historian. He removed to Greensboro in 1882 and has a monument in the Guilford Battle-ground.

John F. Hoke, son of Col. John Hoke, won a captain's commission in the Mexican War, and commanded his company with gallantry in the battles of Cerro Gordo, Tolema and National Bridge. He was adjutant-general in North Carolina, and colonel in the Civil War. He was an able lawyer and often the representative of Lincoln County in the General Assembly. His son, William A. Hoke, as citizen, lawyer, legislator, judge of the Superior Courts, and now Associate Justice of the Supreme Court, occupies a large space in public esteem.

Michael Hoke, son of Col. John Hoke, was an eminent lawyer and an accomplished orator, whose brilliant career added luster to his county and Commonwealth. The campaign of 1844 justly ranks among the famous in the history of the State. There were many causes contributing to its intensity. It was a presidential election. Henry Clay, the Whig nominee, a matchless orator and the idol of his party, made a speech in Raleigh on the 12th day of June of that year. James K. Polk, of Tennessee, a native of Mecklenburg and graduate of our State University, was the nominee of the Democrats, and his party hoped to carry the State.

The Republic of Texas was seeking annexation to the United States, and this was a burning issue. Each political party was on its mettle, and marshaling its forces for a battle royal. Standard bearers must be selected with care and the very best. Each party named a son of Lincoln County as its candidate for Governor. The Democrats nominated Michael Hoke, a gentleman of fine person, fine address, of long legislative experience and high position at the bar, whose ease of manner and brilliancy of oratory won for him troops of friends. The Whigs were equally fortunate in the selection of William A. Graham, a man of exalted character and ability; and, like his competitor, the fairness of his conduct, his open, generous temper, and elevated mode of argument met the highest expectation of his most ardent admirers. Never in any campaign were two political antagonists more evenly matched. Both were in the prime of life. Hoke was only thirty-four, and Graham forty years of age. Both were strikingly handsome men, tall, well-formed and graceful, of polished manner and placid temper, pure of character and free from guile. While possessing all these amiable qualities when it came to the advocacy of the principles of their respective parties, or assaulting those of the other, they exhibited the courage of a Washington and the aggressiveness of a Jackson. The dignified and majestic presence of Graham was formidably rivaled by the matchless manner and ready humor of Hoke. Their joint canvass was a battle of giants. Graham was elected Governor, Clay carried the State and Polk was elected President. Hoke scarce survived the campaign. He died September 9, 1844, at the youthful age of 34 years, 4 months and 7 days.

Among the record of baptisms at Daniel's is this, "George Kuhn, und desen frau ihr sohn George Gebohren den 31 ten December, 1809, Taufzeugen sind Johnannes Rudisill und desen frau," which being translated reads, "George Coon and

his wife, their son George was born the 31st December, 1809, sponsors John Rudisill and his wife." The infant George grew into a man full of years and honor. An old Frenchman in Lincolnton, Lorenzo Ferrer, often bought farm products from Mr. Coon, and so admired his perfect integrity, and "full measure of potatoes," that one of his bequests was: "I will and bestow to honest George Koon one hundred dollars."

Lorenzo Ferrer, having been introduced, shall have place in this history. He was a native of Lyons, France, but spent his long life from early manhood in Lincolnton. He died August 16th, 1875, aged ninety-six years. He had his coffin made to order and gave directions concerning his grave. It is marked by a recumbent slab, supported on marble columns. The first paragraph of his will is in these words:

"I, Lorenzo Ferrer, here write my last will and testament whilst I am in possession of my faculties, as I have shortly to appear at the tribunal of St. Peter at the gate of eternity; when St. Peter is to pronounce according to my merits or demerits: for our Lord Jesus Christ entrusted the key of Heaven to St. Peter and enjoined him to admit the deserving to enter into Heaven and enjoy an eternal happiness, but to condemn the undeserving defrauders to the everlasting sulphurous flames in the Devil's abode. Therefore, I am endeavoring to comfort myself in such a manner in order to merit an eternal happiness in the presence of God, and his angels, and in company with St. Peter, St. Paul, St. Titus and the other saints. For I am anxious to converse with those happy martyred saints and rejoice with them at the firmness, patience, and willingness they endured at their martyrdom for the sake of our Lord Jesus Christ. I am also in hope to see and embrace my kind friends Michael Hoke, William Lander, and other good and honest friends with whom I hope to enjoy an eternal felicity," etc.

Adam Springs approached the dark river with no such beatific vision. In the confident possession of a sound mind and good judgment he likewise wrote his own will, the first part of which follows: "North Carolina, Lincoln County,—Know all men by these presents, that I, Adam A. Springs, believing himself of sufficient judgment of mind do now set about making my will in hopes that my surviving fellow-citizens will aid me in the disposal of my wish. If it should lack form, I call upon our Constitution. Then I ordain this my last will and testament as follows: As to my soul or finer part, whatever it may be, I surrender it to its author without any impertinent and intrusive requests against the immutable laws of Deity. In the first place, I will to be buried alongside of James Henderson on the hill on the east of the shoals formerly called Henderson's Shoals," etc.

Mr. Springs was one of the first students at the State University, a graduate in the Class of 1798, a large real estate owner, including among his possession the Henderson Shoals on the South Fork, afterwards known as the Spring Shoals, now McAdenville, where his dust reposes beside James Henderson. The paper-writing was propounded for probate, a caveat entered, the issue, *devisavit vel non*, submitted, the will established, and executed by his surviving fellow-citizens according to the true intent and meaning thereof.

A will of marked conciseness and brevity, and the shortest in the county is that of the late V. A. McBee. Mr. McBee was a University graduate, lawyer, three times clerk of the Superior Court, and left a considerable estate in North and South Carolina. His entire will with date and signature contains but twenty-three words: "I will all my estate, real and personal to my wife, Mary Elizabeth McBee, this 31st day of March, 1888. V. A. McBee."

Robert F. Hoke and Stephen D. Ramseur, twin soldiers of destiny, became distinguished Major-Generals in the

armies of the Confederacy. Their gallant deeds and noble services added luster to their home and country. The one survives, honored and loved; the soil of Virginia drank the precious blood of the other.

The laudable principles, liberty of conscience, health of state, and purity of morals, the Dutch hold in sacred esteem; the great virtues of the home and the common duties of the good citizens have ever charmed most their ambitions. Of persistent energy, high purpose, and sturdy inclination, they have made and are making indestructible footprints of nobly performed deeds in the varied sands of life that will remain a memorial to them for all time.

THE CIVIL WAR.

The men of Lincoln County bore an honorable part in the American Revolution, and were in evidence in the second bout with the mother country; they helped to win Texan independence and fought in the Mexican War; at the outbreak of the great Civil War, they presented a solid front in defense of their Southland.

Stephen D. Ramseur, a graduate of West Point, and a lieutenant in the United States Army, resigned his commission, tendered his service to the Confederacy and was appointed captain of artillery; by promotion he passed through the grades to the rank of Major-General, and met the death of a hero at Cedar Creek, on the 19th of October, 1864.

Alvin DeLane was a soldier in the United States Navy, whose flag was endeared to him by many years service. When the war clouds gathered a decision was to be made. He hesitated not; the battle-cry of the South expressed his sentiment and his resolve:

"In Dixie land I'll take my stand,
And live and die for Dixie."

In the darkness of the night he scaled the walls of Fort Sumter with a ladder, which served him many hours as a float on the briny deep, was rescued, became the hero of Charleston, and for the next four years a gallant Confederate.

William S. Bynum, the soldier boy, September 25th, 1862, at the age of fourteen years, enlisted in Company K, 42d Regiment, and was a gallant Confederate until the surrender.

Lincoln County furnished the Confederacy eight full companies: (1) The Southern Stars, Company K, Bethel Regiment, William J. Hoke, Captain; (2) Company I, 11th Regiment, A. S. Haynes, Captain; (3) Company K, 23d Regiment, Robert D. Johnston, Captain; (4) Company E, 34th Regiment, John F. Hill, Captain; (5) Company K, 49th Regiment, Peter Z. Baxter, Captain; (6) Company G, 52d Regiment, Joseph B. Shelton, Captain; (7) Company H, 52d Regiment, Eric Erson, Captain; (8) Company G, 57th Regiment, John F. Speck, Captain; besides members of other companies.

Many of the Bethel soldiers won commissions of honor. Capt. William J. Hoke became Colonel of the 38th Regiment; Second Lieutenant Robert F. Hoke was promoted through the grades to the rank of Major-General; Eric Erson was Lieutenant-Colonel of the 52d Regiment; William R. Edwards, Sidney Haynes, John F. Speck, Benjamin F. Grigg, Peter M. Mull, Lauson A. Dellinger, and James D. Wells won captains' commissions; while David A. Coon, Ed. D. Sumner, W. A. Summerow, and George M. Hoke were first lieutenants, and Lemuel J. Hoyle, Charles Elmer, Josephus Houser and Oliver A. Ramsour, second lieutenants.

John F. Hoke was Brigadier-General and Adjutant-General of the State. Through him the volunteer regiments were organized. He was the first Colonel of the 23d Regiment, and at the surrender was Colonel of the 73d Regiment.

William Preston Bynum entered the service as first lieutenant of the Beattie's Ford Rifles; this company was mustered in as Company K, 23d Regiment; he was promoted Lieutenant-Colonel, and Colonel of the 2d Regiment.

Robert D. Johnston, second lieutenant of the Beattie's Ford Rifles, rose by promotion for gallantry to the rank of brigadier-general. He was wounded at Seven Pines, Gettysburg and on the Catawba River.

Other commissioned officers: Colonel—Samuel D. Lowe. Lieutenant-Colonels—Hiram W. Abernethy and Charles J. Hammarskold. Majors—Sidney M. Finger and William A. Graham. Captains—James T. Adams, Phillip W. Carpenter, A. H. Houston, G. W. Hunter, James F. Johnston, William H. Johnston, Joseph F. Johnston, James M. Kincaid, Milton Lowe, Joseph G. Morrison, George L. Phifer, Benjamin H. Sumner, Woodberry Wheeler, and C. C. Wrenshall. First Lieutenants—Peter S. Beal, John H. Boyd, John P. Cansler, William H. Hill, Wallace M. Reinhardt, Daniel Reinhardt, and Thomas L. Seagle. Second Lieutenants—Thomas Abernethy, William Arndt, William H. Hill, Wallace M. Reinhardt, Daniel Asbury, George W. Beam, Caleb Bisaner, John Caldwell, Eli Crowell, Henry Eaton, Henry Fullenwider, John F. Goodson, Emanuel Houser, Bruce Houston, Lee Johnston, Thomas Lindsey, William M. Monday, John Rendleman, Samuel Rendleman, David Rhodes, Alfred Robinson, Samuel Thompson, W. A. Thompson, Henry Wells and Rufus Warlick. Chaplains—Robert B. Anderson and Eugene W. Thompson.

Summary—Two major-generals, one brigadier-general, four colonels, three lieutenant-colonels, two majors, two chaplains, twenty-eight captains, sixteen first lieutenants, thirty-three second lieutenants and 1,219 non-commissioned officers and privates, a grand total of 1,311 Confederate soldiers.

AUTHORITIES:—Counties of North Carolina, by K. P. Battle; Governor William Tryon, by Marshall DeLancey Haywood; Colonial Records of North Carolina; State Records of North Carolina; Public Laws of North Carolina; Public Records of Tryon County, N. C.; Public Records of Lincoln County, N. C.; General Joseph Graham and His Revolutionary Papers, by W. A. Graham; History of North Carolina, by John H. Wheeler; Reminiscences and Memoirs, by John H. Wheeler; Sketches of Western North Carolina, by C. L. Hunter; Manuscript of Wallace M. Reinhardt; King's Mountain and Its Heroes, by L. C. Draper; Narratives of the Battle of King's Mountain, by David Vance and Robert Henry; North Carolina, 1780-81, by David Schenek; German Settlements in North and South Carolina, by G. D. Bernheim; History of the Reformed Church; South Fork Association, by W. A. Graham; The Broad Axe and the Forge, by Brevard McDowell; Old Lincoln Homes, by Brevard Nixon; Roster of Confederate Soldiers of Lincoln County, by A. Nixon.

OUR STATE MOTTO AND ITS ORIGIN.

BY CHIEF JUSTICE WALTER CLARK.

The General Assembly of 1893 (chapter 145) adopted the words "*Esse Quam Videri*" as the State's motto and directed that these words with the date "20 May, 1775," should be placed with our Coat of Arms upon the great seal of the State.

The words "*Esse Quam Videri*" mean "*to be rather than to seem,*" and are a suitable recognition of the honest, sturdy, unpretending character of our people. Beside the motto of the Union, "*E Pluribus Unum,*" nearly every State has adopted a motto. With few exceptions these mottoes are in Latin. The reason for their being in Latin and not in English is not far to seek. Owing to the Latin tongue expressing the different forms of the verb and of the noun by a mere change in termination, and not, as in English, by the addition of particles and prepositions, it is far more condensed and terse. The three words, "*Esse Quam Videri,*" require the use of at least six English words to express the same idea. For this reason mottoes are most usually in Latin.

Curiosity has been aroused to learn the origin of our State motto. It is found in Cicero in his Essay on Friendship (Cicero de Amicitia, chap. 26) though it is not there used in the same sense now ordinarily attached to it. He says, "*Virtute enim ipsa non tam multi prediti esse quam videri,*" i. e. "Virtue is a quality which not so many desire to possess as desire to seem to possess," or, translated *literally*, "For indeed not so many wish *to be* endowed with virtue as wish *to seem to be.*"

But in reality the phrase can be traced much farther back. It was used by the Greek poet Eschylus in the famous tragedy

"The Seven against Thebes." In line 592 of that play, it is said (not using the Greek letters for want of proper type) "*ou gar dokein aristos, all' einai thelei.*" Truly this is the identical sentiment of "*Esse Quam Videri.*" Plutarch, in his Life of Aristides, chap. 3, says that when this line was pronounced in the theater all eyes were turned upon Aristides "the Just," who was present.

Socrates expressed nearly the same idea in his Apologia, 36 E, where he says that the victor of Olympia "makes you seem to be happy, but I make you so."

The phrase is a striking one and Cicero's version of it has been caught up and often used as a motto. In that best collection of mottoes extant, the "Coats of Arms of the British Peerage" no less than three noble houses have adopted it, to wit: the Earl of Winterton, Earl Brownlow and Lord Lurgan.

It has been adopted by many associations, especially literary societies. In this State it is the motto of Wilson Collegiate Institute and, with some modifications, of one of the societies at Wake Forest College.

The sentiment and its expression are good enough. It is appropriate to North Carolina, and her sons will make it memorable and distinguished. Among our sister States it can proudly take its place between the "*Sic Semper Tyrannis*" of Virginia and the "*Animis, Opibusque Parati*" of South Carolina.

The figures on our State Coat of Arms are Liberty and Plenty. It has been objected that the motto has no reference or application to the figures on the Coat of Arms. It is very rarely that such is the case. The national motto, "*E Pluribus Unum*," has no reference to the Eagle and Shield and the Thunderbolts on the national Coat of Arms. Nor has the "*Excelsior*" of New York, the "*Dirigo*" of Maine, the "*Qui Transtulit, Sustinet*" of Connecticut any application

to the figures above them. Indeed Virginia's "*Sic Semper Tyrannis*" is one of the very few instances in which the motto bears such reference. But, in fact, is our motto so entirely without reference to the Coat of Arms as is usually the case? The figures are, as just stated, Liberty and Plenty. Is it inappropriate to say we prefer *to be* free and prosperous than *seem to be* so? There have been States that had all the appearance of liberty and prosperity, when in truth having lost the reality of both, they were tottering to their fall.

Indeed, as the learned and accomplished president of one of our State colleges has observed, "The motto has a deep philosophical meaning; one might evolve a whole system of metaphysics from the two basal ideas in it, that of being (*esse*) and that of phenomenality (*videri*) on which two poles the whole of modern theories of knowledge have hung."

It is a little singular that until the act of 1893 the sovereign State of North Carolina had no motto since its declaration of independence. It was one of the very few States which did not have a motto, and the only one of the original thirteen without it. It is very appropriate too that simultaneously with the adoption of the State motto, there was also placed on the State Seal and Coat of Arms, the date of the Mecklenburg Declaration of Independence—the earliest of all American Declarations—the ever-memorable 20 May, 1775.

It may be noted that up to the time it became a "sovereign and independent State" the Colony or *Province* of North Carolina bore on its great seal "*Quae sera tamen respexit.*" This was taken from the first Eclogue of Virgil (line 27) and, referring to the figure of Liberty, meant "Which, tho late, looked upon me"—the full line in Virgil being "Liberty, which tho late looked upon me indolent." No wonder that this was dropped by the new State. Nothing could possibly have

been more inappropriate. Liberty came not to her late, but the *first* of all the American States. And it came not to a people inert or unseeking her rewards. To such, liberty never comes. But she came to North Carolina, to a people energetic, earnest, devoted, seeking her smiles as a lover wooing a beauteous maiden, and in the pursuit tireless, as a sleuth hound seeking its quarry. Here first she came. As Burns said of Summer, on the banks of bonnie Doon, Liberty

"Here first unfolds her robe,
And here may she longest tarry."

It may be mentioned, to prevent any misunderstanding as to the scope of the Act of 1893 (now Revisal, sec. 5320) that it does not apply to County Seals. Each county is authorized to adopt its own seal, Revisal, sec. 1318 (24). Many counties now have on their county seals the appropriate phrase, "*Leges Juraque Vindicamus.*" Some have adopted the State motto. But this is a matter left to the discretion of the county commissioners in each county.

It might be well to go further and, following the example of many States, adopt a State tree and flower. As appropriate to our State the writer, with diffidence, suggests the adoption of the *White Oak* as emblematic of the sturdy vigor of the manhood of North Carolina and the *Violet* as typical of the beauty, modesty and sweetness of its women.

NOTE BY THE EDITORS.—The bill which was passed in 1893 to adopt our State motto was introduced by Senator Jacob Battle, of Nash, afterwards Judge of the Superior Court. We have before us a letter from him in which he states that the motto was selected by Judge—since Chief Justice—Walter Clark, who also drew the bill and requested him to present it. He adds that the words "20 May, 1775," secured the hearty cooperation of Senator Brevard McDowell, of Mecklenburg, and by their joint efforts the bill passed by the unanimous vote of both houses of the General Assembly and without amendment.

THE WORK DONE BY THE D. R. IN PASQUOTANK COUNTY.

The Sir Walter Raleigh Chapter of the Daughters of the Revolution was organized in Elizabeth City a little over two years ago. Since then the members of the Chapter have been working quietly, and faithfully, studying the Colonial and Revolutionary history of the Albemarle section and locating points of historic interest in this and adjoining counties, with the purpose of some day having their sites marked with suitable tablets.

Pasquotank County is rich in such landmarks. Near Nixonton at Hall's Creek Church, there still stands the stump of an old oak, under whose branches there met on February 6, 1666, 244 years ago, the first law-making assembly ever convened in our State. At this spot the Daughters of the Revolution hope to place a handsome granite tablet, commemorating the event, early in the spring.

Through the efforts of the Chapter the following interesting places have been located, and with the help of the patriotic citizens of Pasquotank County the ladies hope to preserve these landmarks from oblivion.

The first school in the State was in Pasquotank County, near Salem. This school was taught by Mr. C. Griffin in 1705. The first house of worship, a Quaker meeting house, was built in Pasquotank on Symond's Creek in 1706.

The first court held in the State was held under an old tree, which is standing near Flatty Creek. Winslow's farm, called in Colonial days Winfield or Enfield, was the scene of the historic "Culpepper's Rebellion," and in one of the rooms still in good condition, Governor Miller was confined by the brave revolutionists.

On the banks of the Pasquotank at Brick House Point, stood Elmwood, the old Swann home, in which, as our Secretary of State, Hon. Bryan Grimes, stated in his speech

before the State Literary and Historical Association last year, more distinguished men lived than ever occupied one residence in North Carolina. At Elmwood lived and with it were identified two speakers of the Assembly, five Congressmen, one United States Senator, a candidate for Governor, and a President of the University. Farther up the river is another old brick house reported to have been one of the homes of Teach, the pirate. Pasquotank County furnished two regiments to the Revolutionary army and two of its bravest generals, Gen. Isaac Gregory and Gen. Peter Doughe. The former was distinguished by his brave stand at the disastrous battle of Camden and later, at the close of the war, drove the Tories out of the State. Gen. Peter Doughe distinguished himself and did his country noble service at the battle of Great Bridge in Virginia. The graves of these two heroes have been located, as has also been the resting place of John Harvey, "The Father of the Revolution," and over these now unmarked graves the Daughters of the Revolution have determined to place suitable stones.

Through the instrumentality of this patriotic organization a North Carolina History Society of twenty members has been organized among the ladies of the town, and this society has agreed to cooperate with the Chapter in its work of preserving our landmarks. The Chapter has also organized among the children of the Primary, Grammar and High Schools a Carolina Memorial Association, the members of which have agreed to contribute a small sum each year to be used in placing these tablets at suitable spots throughout the county. The Regent of the Chapter hopes to interest the teachers in the county schools in this work also, and to have all the school children in Pasquotank help in this patriotic task. The Chapter numbers only eight members so far, but hopes to add more names to its roll before the close of the year 1909.

C. F. S. A.

BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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

ALFRED NIXON.

Alfred Nixon, the author of the "Sketch of Lincoln County, North Carolina, is the son of Robert Nixon and Millie (Womack) Nixon. He was born at his father's farm on the 28th day of May, 1856. He is of Scotch-Irish and German descent; was reared on his father's farm in Lincoln County. His earliest education was acquired in the public schools; attended Rock Spring Seminary and prepared for the University of North Carolina, where he graduated in the class of 1881. After returning to his county he filled many important positions—county surveyor, sheriff, superintendent of public instruction, and at the present writing is clerk of the Superior Court of Lincoln County. Living in an old historic county, a student of history by taste and cultivation, these positions have afforded him extensive opportunities, not only for acquaintance with the people of every part of the county but with its past. The following estimate of Mr. Nixon is given by a prominent judge of his county: "Some time after leaving the University he served as sheriff of his county, to which he was elected several terms, and no doubt could have continued to hold it if he had so desired. He made a most excellent officer, kindly in manner, merciful in disposition, but throughout firm and efficient. He was elected clerk of the Superior Court and has been continued in that office, and has filled this important place most acceptably, showing good judgment, diligence and capacity. As a man and citizen he holds and deserves to hold the esteem and confidence of all of his neighbors and fellow-citizens."

GENEALOGY.

Alfred Nixon, son of Robert Nixon and Millie (Womack) Nixon. Grandson of Robert Nixon and Catherine (Luckey) Nixon. Catherine Luckey was the daughter of Robert Luckey and Dorcas (Armstrong) Luckey. He is the great-grandson of William Nixon and Elizabeth (Black) Nixon. William Nixon came to Lincoln County from Charlotte County, Va., in 1780. His ancestors came from Ireland to New Jersey and from thence to Virginia; descendants of an old English family whose history runs back to the thirteenth century. An early member of which was Sir William Nyk-son, who was granted a coat of arms in 1416.

Womack: Millie (Womack) Nixon, the mother of Alfred Nixon, was the daughter of Archibald Womack and Sallie (Huger) Womack, who emigrated from near Richmond, Va., and from where he inherited valuable property.

Huger: Sallie (Huger) Womack, the grandmother of Alfred Nixon was the daughter of John Huger and Sallie (Stacey) Huger. The Hugers came to Lincoln County prior to and during the American Revolution; are of Huguenot descent, a noble sect of whom Mr. Winthrop said "has furnished to our land blood every way worthy of being mingled with the best that ever flowed in the veins of either Southern Cavaliers or Northern Puritans."

Nixon, Womack, Luckey, Armstrong and Black came to Lincoln County from Virginia soon after the Revolutionary War, and many of their descendants reside in this and other States.

WALTER CLARK.

Walter Clark, the distinguished Chief Justice of the State, the author of the article on the "Great Seal of North Caro-

lina," was born in Halifax County, North Carolina, on August 19, 1846, and since 1873 has been a resident of Raleigh, N. C. The first of the name Colin Clark came to North Carolina from Fifeshire, Scotland. His son, David Clark, was a prominent man of Halifax County; one of the board of internal improvements, one of the originators and a director of the Roanoke Navigation Company, which was such an important factor in the trade of Roanoke River before the era of railroads. He had a son named for himself, David Clark, who was the father of the subject of this sketch. David Clark, though a man of fine education, entered neither professional nor public life. He was one of the wealthiest planters on the Roanoke, a man of wide reading, and with a great landed interest; he found ample occupation in superintending his estates and among the books in his large private library. During the war between the States he was commissioned by the State of North Carolina as a brigadier-general, and in January, 1862, was assigned to the command of the defenses of Roanoke River. Other important military appointments were assigned him on account of his capabilities, his superior intelligence and his influence over the militia-men of that section. General David Clark married Miss Anna M. Thorne, of Halifax County, who became the mother of the subject of this sketch, and through the Thornes Judge Clark is connected with the well-known families of Hilliard, Davis, Alston and Williams, and through the Thornes is also related to General Warren, the distinguished corps commander of the United States Army. Through the Clarks, Judge Clark is descended from the Blounts, Grays, Norfleets, McKenzies and other prominent families of northeastern North Carolina, and the Bryans of Southampton, Va.; the same family as that from whom William Jennings Bryan is descended.

Through the Williams Judge Clark is descended from Gilbert Johnston, a brother of Governor Gabriel Johnston.

At an early age Walter Clark became a student, first, under Prof. Ralph H. Graves, in Granville County, and in 1860 at Colonel Tew's Military Academy near Hillsboro, N. C. In the spring of 1861, before he not yet fifteen years of age, being proficient in the drill, he was among the cadets of that institution who, on recommendation of its officers, were appointed by the governor to drill the troops assembled at Camp Ellis near Raleigh. Upon the organization of the Twenty-second North Carolina Regiment in July, he was assigned to duty as drill-master for that regiment, commanded by Col. J. Johnston Pettigrew, and proceeded with it to Virginia. He continued to act in that capacity in its camp at Evansport, on the Potomac, until November, when he returned to Camp Mangum, at Raleigh, where the Thirty-fifth North Carolina was being organized. In February, 1862, resigning, he returned to the military academy and resumed his studies. On August 1, 1862, he was appointed, upon the solicitation of its officers, who had known him at the camp of instruction, first lieutenant and adjutant of the Thirty-fifth North Carolina, of which Matthew W. Ransom had then become the colonel, and joining his regiment he participated in the first Maryland and Fredericksburg campaigns, and was wounded at Sharpsburg (Antietam). In the latter battle his brigade held Marye's Heights and drove back, among others, Meagher's Irish brigade.

Being then just sixteen years of age and rather small, in spite of this he performed his duties with great acceptability, and became a general favorite, enjoying the esteem and respect of both officers and men. He behaved in the battle of Fredericksburg with coolness and distinguished intrepidity.

In February, 1863, the regiment having returned to North Carolina to recruit, there seeming to be no early prospect of

further active service, Adjutant Clark resigned with the purpose of completing his education, and entered as a student at Chapel Hill, where he graduated with first distinction on June 2, 1864. The day after he graduated he was elected major of the Sixth Battalion of Junior Reserves, then organized for active service by Lieutenant-General Holmes, and under his command the battalion did service at Goldsboro, Weldon and at Gaston, protecting the railroad bridge from a threatened cavalry raid.

On July 4th his battalion and the First were consolidated into a regiment that became the Seventieth North Carolina Regiment of State troops, and in the election of officers Major Clark was elected lieutenant-colonel.

Lieutenant-Colonel Clark was then seventeen years of age, and the youngest officer of his rank in either army. At the request of his colonel later he relinquished this position temporarily (which eventually failed of its purpose) and he was elected major, in which position he continued to serve during the remainder of the war. In October this regiment was ordered to Boykin's Depot, Va., and to the defense of Plymouth, and to Hamilton to guard the approaches to Martin, Edgecombe and Pitt counties whence large supplies were drawn for the support of Lee's army.

Early in November he with four companies were dispatched to Williamston where Major Clark took command of the post, embracing cavalry and infantry as well as artillery. For one so young this was an important command, but Major Clark bore himself so well as to justify the confidence reposed in him at that time. Captain Moore, speaking of him at that time, says, "he had the bearing and command of a born soldier and displayed the executive talent which he has since shown."

On Dec. 25, 1864, the regiment was at the repulse of the

gunboats at Poplar Point and in other minor encounters. About the middle of Feb., 1865, it was ordered to Kinston, N. C., where it engaged in battle on March 8th and from thence to Smithfield, N. C., to join General Johnston, and from thence to Bentonsville where it engaged the advance corps of Sherman's army, which was held in check three days—the 19th, 20th and 21st of March—during which time the skirmish line of Major Clark gallantly held its position the entire period. No brigade made a finer appearance on that field than the Junior Reserves, and it bore itself with such bravery as to win the highest encomiums from General Hoke and all the veterans on that field of battle.

While Sherman was resting at Goldsboro, General Johnston remained at Smithfield, but on April 10th began to retire before Sherman's advancing army. On the 12th the Seventieth Regiment passed through Raleigh and then to High Point in Randolph County where, on the afternoon of May 2d, Major Clark, with his associates in arms, were paroled; and then they dispersed to their respective homes.

As soon as order was restored, Major Clark, who had studied law under Judge William H. Battle, while a student at the University, became a student in a law office in Wall street, New York. Later, completing his course at the Columbian Law School in Washington, D. C., he obtained license to practice in January, 1867. He located at Scotland Neck, but subsequently removed to Halifax, where he entered into partnership with Hon. J. M. Mullen, and soon established a lucrative business. He removed to Raleigh in 1873, where larger opportunities would be opened to him professionally, and became one of the leading influences in the Democratic party.

In April, 1885, was appointed by Governor Scales judge of the Superior Court for the metropolitan district and was elected by the people to succeed himself the next year.

In November, 1889, he was transferred to the Supreme Court bench and subsequently elected to that position in 1890. In 1896, while still on the Supreme Court bench, he was virtually tendered the nomination of governor, but did not accept it, preferring at that time to remain on the bench.

In 1896 his name was presented by the North Carolina delegation to the National Democratic Convention for the vice-presidency. In 1902 he was nominated for the office of chief justice and was elected to that position. His opinions to date appear in forty-eight volumes of North Carolina Supreme Court Reports, beginning with 104 N. C.

Judge Clark is an indefatigable worker, and his contributions to literature have been numerous and notable. Besides the preparation of his judicial opinions he has annotated and edited one hundred and fifteen volumes North Carolina Supreme Court Reports, He is the author of numerous other works of national importance. Many of his articles are of historical character, relating to episodes in North Carolina history; his chief work in this line has been the preparation of the "State Records," a continuation of the valuable publication begun by Col. Wm. L. Saunders, the "Colonial Records," running through sixteen quarto volumes, which entailed on him vast labor and is of the highest historical value. Another great work of still higher interest is that known as the "Regimental Histories" embraced in five volumes, in which is preserved the record of each North Carolina regiment, battalion and division during the war between the States. To Judge Clark is due the conception as well as the compilation of this memorial of the courage and patriotic service of the soldiers of North Carolina in that great war. The method employed in executing the design is admirable, recording the story of each organization, while the articles prepared by some competent member of each regiment are themselves of unusual merit. In accomplishing the pub-

lication of these two great works of the State, Judge Clark has rendered a most important service to the State and to posterity. Both of these works have been executed by him as a labor of love without any pecuniary compensation whatever.

During his whole career he has been astute to place the State on a high plane and promote such action as would redound to the credit of North Carolina. Indeed there has been no man of more versatile gifts and unremitting labor than Judge Clark, nor has any other of North Carolina's sons done more to preserve the memorials of her people and to perpetuate a remembrance of the glorious deeds that have "adorned them by his learning, virtues and character."

In all the positions which have been tendered him he has adorned them by his learning, virtues and character.

On January 28, 1874, he had the good fortune to marry Miss Susan Washington Graham, the only daughter of Hon. William A. Graham, of Hillsboro, N. C., and they have reared a most interesting family of five sons and two daughters. His family is as follows: Mrs. J. Ernest Erwin, of Morganton; Capt. David Clark, of Charlotte; W. A. Graham Clark, special agent of the Department of Commerce and Labor of the United States government; Walter Clark, Jr., City Attorney of Raleigh; John W. Clark, of Concord; Thorne M. Clark, of Halifax County, and Eugenea G. Clark.

To the NORTH CAROLINA BOOKLET Judge Clark has been an unfailing friend, not only by his contributed articles of historic value but by his continued interest in this work undertaken by the "North Carolina Society of the Daughters of the Revolution." He contributed an article on the "Indian Massacre and Tuscarora War" in No. 3 of Vol. II. "Colony of Transylvania," No. 9, of Vol. III. "Expedition to Cartagena in 1740," No. 6, Vol. IV, and the "History of State Seal," in this number, Vol. IX, No. 3, Jan., 1910.

The writer is indebted to Capt. Samuel A. Ashe for the facts of the above sketch, taken from his article on Judge Clark in Vol. VII of the "Biographical History of North Carolina" (1908). There is no doubt of the authenticity of these facts since they were obtained from Captain Samuel A'Court Ashe, a "citizen" of commanding individuality and one of the best equipped editors and historians of the South in the last thirty-five years.

WILLS FROM THE OFFICE OF THE SECRETARY OF STATE, RALEIGH, N. C.

Will of John Clark, of Perquimans. Wife Anne, sons John and Thomas; in case of their death property to go to Simos and Thomas Trumbell. Sarah Trumbell. Sept. 6th, 1716; Nov. 14, 1717.

Richard Evans, of Perquimans; Sept. 7th, 1692; Oct. 2, 1693. Wife Elizabeth, four children, Jonathan, Richard, Rebecca and Ann Evans. Wife and Alexander Lillington, Exrs.

Will of John Fendall, of Perquimans; Dec. 17, 1695, April 8th, 1696. Brother Robert Fendall, wife Elizabeth, father-in-law Alex. Lillington.

Robert Fendall. Nov. 30, 1711; Isaac Wilson; Thomas Levy Exor.

George Fort, May 15, 1719; prob. October 20, 1719. Son Elias Fort, son George Fort, sons John and Samuel Fort; daughter Phillis Fibath, daughter Catherine Fort. Wife Elizabeth; Elias Fort Exr.

John Fort, August 6, 1745; March Court, 1745-6. Sons John and Moses, daughter Ternshaw's son, Denby, Arthur Fort.

John Gorbe, 17th, 6th mo., 1693. Wife, son John, daughter Sarah; cousins Samuel and Joseph Nicholson Exrs. Test. Rich'd. Dorman.

Adam Gambell, of Glasgow, Scotland. Nov. 14th, 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.

Will of Joshua Grainger of Wilmington, June 1741; wife Elizabeth, daughter Ann, son Joshua, grandson Wilmington, son of Joshua; son Caleb.

Caleb Grainger, New Hanover; October 5, 1765, (main body of will dated 1763), probated October 31st, 1765. Wife Mary, daughter Mary Grainger, son Caleb, son Cornelius Harnett Grainger, son William, child *in esse*, Maurice Moore, Cornelius Harnett, Samuel Ashe, Alexander Duncan, Exrs. Test. Mary Granger, Margaret Douglass, Edward Trogerin, Samuel Gidden, Anthony Ward, Joseph Stockley.

John Hill, of Bath; March 27, 1731. Sons Joshua and John; friend Thomas Tison, my children. Wife and Edward Peads Exrs. Test. Thomas Tison, Harmon Hill, William Nicholls.

John Hill, Northampton, June 15, 1747. Sons Nathaniel, Daniel Lewis and Peter. Sons Nathaniel and Daniel Exrs. Test. William Floaryday, Hosea Tapsley.

William Hill, Chowan, 10th, 1st mo., 1750-51. Grandson Aaron, son of Moses Hill; my father-in-law, Thomas Spivey; son Moses, grandson Robert Hill, son of Aaron, daughter Rachel Hill, son William, daughter Sarah Barrow, wife of Joseph; wife Mary, daughter Mary Nicholson, daugh-

ters Susannah White, Leah Moore, and Ruth Davis. Son Aaron and son-in-law Thomas Nicholson Exrs. Test. James Griffin, Jethro Rabey, Ann Peters.

Harman Hill, Beaufort, Dec. 4, 1752; Mch. Court, 1755. Wife Sarah, son Harman, daughter Elizabeth Hancock, her children James and William; Sarah Rice, daughter Ann Slade, her husband Joseph Slade, daughters Mary Smit and Rachel Hill. Wife, Joseph Slade and John Barrow Exrs. Test. Edmund Pierce, Griffith Howell, Joshua Pierce.

(Signed)

MRS. HELEN DEB. WILLS.

INFORMATION

Concerning *the* Patriotic Society

"Daughters of the Revolution"

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.

"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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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 eight 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.

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"Battle of Guilford Court-house and German Palatines in North Carolina," Major J. M. Morehead, Judge O. H. Allen.

"Genesis of Wake County," Mr. Marshall DeLancey Haywood.

Vol. V.—(Quarterly).

No. 1.

"St. Paul's Church, Edenton, N. C., and its Associations," Richard Dillard, M.D.

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No. 1.

"The Indian Tribes of Eastern North Carolina," Richard Dillard, M.D.

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"Biographical Sketches: Introduction; Maj. Graham Daves." By Mrs. E. E. Moffitt.

October, No. 2.

"The Borough Towns of North Carolina," Mr. Francis Nash.

"Governor Thomas Burke," J. G. de Roulhac Hamilton, Ph.D.

"Colonial and Revolutionary Relics in the Hall of History," Col. Fred. A. Olds.

"The North Carolina Society Daughters of the Revolution and its Objects."

"Biographical Sketches: Dr. Richard Dillard, Mr. Francis Nash, Dr. J. G. de R. Hamilton and Col. Fred A. Olds," Mrs. E. E. Moffitt.

January, No. 3.

"State Library Building and Department of Archives and Records," Mr. R. D. W. Connor.

"The Battle of Rockfish Creek, 1781," Mr. James Owen Carr.

"Governor Jesse Franklin," Prof. J. T. Alderman.

"North Carolina's Historical Exhibit at Jamestown," Mrs. Lindsay Patterson, Miss Mary Hilliard Hinton.

"Biographical Sketches: Mrs. S. B. Kenneday, R. D. W. Connor, James Owen Carr and Prof. J. T. Alderman," Mrs. E. E. Moffitt.

April, No. 4.

"Lock's Fundamental Constitution," Mr. Junius Davis.

"The White Pictures," Mr. W. J. Peele.

"North Carolina's Attitude Toward the Revolution," Mr. Robert Strong.
Biographical Sketches: Richard Benbury Creecy, the D. R. Society and Its Objects, Mrs. E. E. Moffitt.

Genealogical Sketches: Abstracts of Wills; Scolley, Sprott and Hunter, Mrs. Helen de B. Wells.

Vol. VII. (Quarterly.)

July, No. 1.

"North Carolina in the French and Indian War," Col. A. M. Waddell.

"Locke's Fundamental Constitutions," Mr. Junius Davis.

"Industrial Life in Colonial Carolina," Mr. Thomas M. Pittman.

Address: "Our Dearest Neighbor—The Old North State," Hon. James Alston Cabell.

Biographical Sketches: Col. A. M. Waddell, Junius Davis, Thomas M. Pittman, by Mrs. E. E. Moffitt; Hon. Jas. Alston Cabell, by Mary Hilliard Hinton.

Abstracts of Wills. Mrs. Helen DeB. Wells.

October, No. 2.

"Ode to North Carolina," Miss Pattie Williams Gee.

"The Finances of the North Carolina Colonists," Dr. Charles Lee Raper.

"Joseph Gales, Editor," Mr. Willis G. Briggs.

"Our First Constitution, 1776," Dr. E. W. Sikes.

"North Carolina's Historical Exhibit at Jamestown Exposition," Miss Mary Hilliard Hinton.

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"General Robert Howe," Hon. John D. Bellamy.

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"St. James's Churchyard" (Poem), Mrs. L. C. Markham.

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"The Quakers of Perquimans," Miss Julia S. White.

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Vol. VIII.—(Quarterly)

July, No. 1.

"John Harvey," Mr. R. D. W. Connor.

"Military Organizations of North Carolina During the American Revolution," Clyde L. King, A.M.

"A Sermon by Rev. George Micklejohn," edited by Mr. R. D. W. Connor.

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"The Significance of the Mecklenburg Declaration of Independence," Prof. Bruce Craven.

"Biographical and Genealogical Sketches: Judge Henry G. Connor, Kemp P. Battle, LL.D., Prof. Bruce Craven," by Mrs. E. E. Moffitt.

January, No. 3.

"The Mecklenburg Declaration of Independence," Mr. A. S. Salley, Jr.

"The Mecklenburg Declaration of Independence," Prof. Bruce Craven.

"Mr. Salley's Reply."

"Mr. Craven's Rejoinder."

"Biographical and Genealogical Sketches: Prof. Bruce Craven, Mr. Alexander, S. Salley, Jr.," by Mrs. E. E. Moffitt.

"Patriotic Objects."

"Information Concerning the Patriotic Society D. R."

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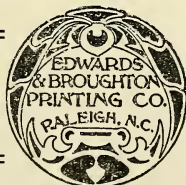
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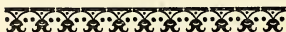
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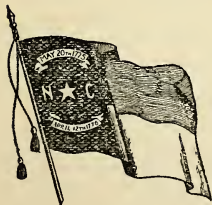
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Vol. IX.

APRIL, 1910

No. 4

The
North Carolina Booklet



GREAT EVENTS
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NORTH CAROLINA
HISTORY



PUBLISHED QUARTERLY
BY
THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION
RALEIGH, N. C.

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Great Events in North Carolina History

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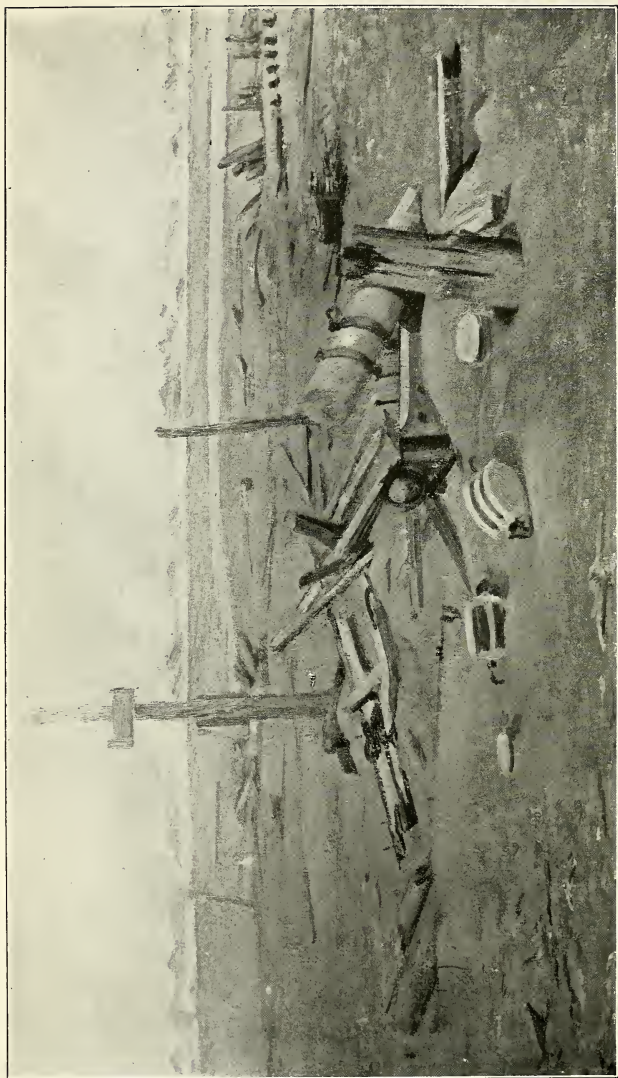
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DER NORTH CAROLINA LAND UND COLONIE ETABLISSEMENT.

BY ADELAIDE L. FRIES.

How could the Moravian Church, small in numbers, and at a time of great financial stress, purchase 98,985 acres of land in North Carolina, and successfully colonize and develop it?

American historians of the present day are searching European archives for information concerning more or less obscure events in American history, and it was natural to expect that the collection of papers in Herrnhut, Germany, would contain much of interest relating to the Moravian settlement in North Carolina, since Herrnhut was the center from which Moravian activity in the Eighteenth Century radiated. A visit of some weeks last summer enabled the writer to spend many an hour in the little Arbeit Zimmer, set apart for the convenience of those making researches in the Herrnhut "Archiv Haus," and the following sketch presents such part of the information gained as relates to the "Etablissement."

Perhaps the simplest way to begin is with Jonas Paulus Weiss's account of the circumstances surrounding Der North Carolina Land und Colonie Etablissement—that is, "The North Carolina Land and Colony Enterprise" (commonly called Wachovia),—in the days when the purchase and development of the property were made possible by the formation of the "North Carolina Societaet," or Society. Weiss was a merchant of Nuremberg, who had joined the Moravian Brethren,

had contributed most generously to their various undertakings, and at this time was one of their financial leaders. He was the man of all others to whom the success of the North Carolina Societaet was due, and the account of it which he wrote in the spring of 1758 is full of interest.

On March 25, 1752, Count Zinzendorf signed a contract with Earl Granville, in which, as "Lord Advocate, Chancellor and Agent of the Unitas Fratrum," he agreed to purchase from Granville 100,000 acres of land in North Carolina, "in behalf of the Unitas Fratrum." The land was to be selected by Zinzendorf's agents in that section of the State which had been retained by Earl Granville when the seven other "Lords Proprietors" sold their shares to the Crown in 1744; and in the fall of 1752, August Gottlieb Spangenberg and several companions, including one of Granville's surveyors, made a long and at times dangerous tour of Northern Carolina, seeking land suited to the Moravian purpose. Ten tracts here and there were selected and plotted, and at last the party reached "Gargales Creek," where they first surveyed fourteen tracts, which, with the ten already chosen, would make up the desired 100,000 acres, and then surveyed five more, adjoining the fourteen, so that if it proved desirable, the Brethren could have all their purchase in one block. With the maps and all the information he had gathered, Spangenberg returned to England and made full report to Zinzendorf and other leading Brethren there. It was, however, a time of great financial stress in the German and English Moravian Church, and it appeared simply impossible to raise the money for the purchase, and for necessary expenses in developing the land. Moreover, the pieces of good land lay widely scattered, and it was estimated that the large tract was "one-third poor land." The Brethren, therefore, decided to abandon the project, and asked Granville to release them from the contract. Granville refused, but made the conditions easier, and a new contract was prepared, and signed by the

Earl, and James Hutton, "Secretary of the Unitas Fratrum," in the presence of Arthur Dobbs, next Governor of North Carolina, and of Benjamin Wheatley. It was decided that the Brethren should take the contiguous tracts of land (Nos. I to XIX on accompanying map), as it was thought best to have the property all together, even if some of it was not fertile. On account of the expense of having nineteen deeds prepared, the Brethren suggested that it be all included in one deed, but their attorney advised against this, for if at any time they failed in their payment of quitrents, and Lord Granville was forced to take back part of the land, it could be more easily arranged if there were a number of smaller tracts, of which some could be surrendered without disturbing the rest. To-day this seems a useless precaution, but it looked otherwise to men who were facing a financial crisis in their affairs, and now in addition must arrange to pay £193 Sterling for having the deeds prepared, £223 more for expenses of the survey, £500 purchase-money, and £148:9:2½ annual quitrent, plus all that might be needed for establishing a settlement on the frontier of civilization.

Several plans were suggested for raising the necessary funds, and that proposed by Weiss was adopted. It was neither more nor less than a land company, in which each shareholder was to pay a definite proportion of these initial expenses and the annual quitrent, and was to receive 2,000 acres of land in the "Etablissement" in return. A temporary loan was obtained from a Swiss gentleman, Rudolph Ochs by name, to cover immediate needs, and then plans for the land company were energetically pushed. Spangenberg and Cornelius van Laer were elected directors of the Society, the former as corresponding secretary and the latter as treasurer. Formal instructions were drawn up, and full powers of attorney for both were signed in London, December 18, 1753, by Count Zinzendorf, Count Henry 28th Reuss, James

Hutton, and Weiss. Spangenberg wished to have Weiss also as a director, but he declined "for good reasons, and because he could serve the cause and the shareholders better" in other ways. An office was opened in Zeist, Holland, with Weiss in charge, and members and friends of the *Unitas Fratrum* were asked to subscribe.

The first response came from Johann Christoph Sack, of Koenigsberg, who, with hearty approval of the plans, took the first share, and sent his £68. Others followed, until twenty-six shares had been sold, and by the end of 1757 the purchase-price and other initial expenses had all been paid, and certain sums advanced by the Unity or borrowed in 1754 had been covered by gifts from generous members of the Unity.

As each share was taken two papers were issued—a "Contract" and a "Certificate." The wording was not always identical, but so similar that a translation of No. 1 of each will serve to represent all.

CONTRACT No. 1.

"I, the undersigned, request that a lot of 2,000 acres may be granted to me in the settlement which the Unity of Brethren has undertaken in North Carolina. I promise to pay my yearly contingent thereto. I will moreover comply with any regulations which may at any time be made regarding it. To this end I have hereunto set my hand and seal, and have also sent ---- Sterling to be entered to my credit. Koenigsberg, Nov. 13, 1753.

"JOHANN CHRISTOPH SACK."

CERTIFICATE No. 1.

"Herr Johann Christoph Sack, in Koenigsberg. Whereas, he, in due form, has taken a share of one lot in the Brethren's settlement in North Carolina in America, and has paid his promised quota—

For purchase-money -----	£18:
For the expenses of selecting and surveying the tracts, and preparing the general deeds	15:
For first expenses in developing-----	30:
For quitrent for the first year to Michael- mas, 1754 -----	5:

a total of Sixty-eight Pounds Sterling, to Herr Cornelius van Laer in Amsterdam, authorized agent of the Society; therefore, to him above mentioned, in consideration of this and future regular payments, in order that he may be entitled to one lot of Two Thousand Acres belonging to the Brethren in North Carolina, this Certificate is issued and delivered in the name of the Society.

London and Amsterdam,

J. SPANGENBERG,* mpp. KORNELIS VAN LAER."

Registered Book A, page 13.

JONAS PAULUS WEISS.

In 1755 each shareholder's proportion of expense for development was £30; in 1756, £25; in 1757, £25. In addition, there was an annual payment of £5 toward the quitrent for Lord Granville, but as this was more than the actual amount due from each 2,000 acres, it was, in 1765, reduced to £3 per annum for each lot.

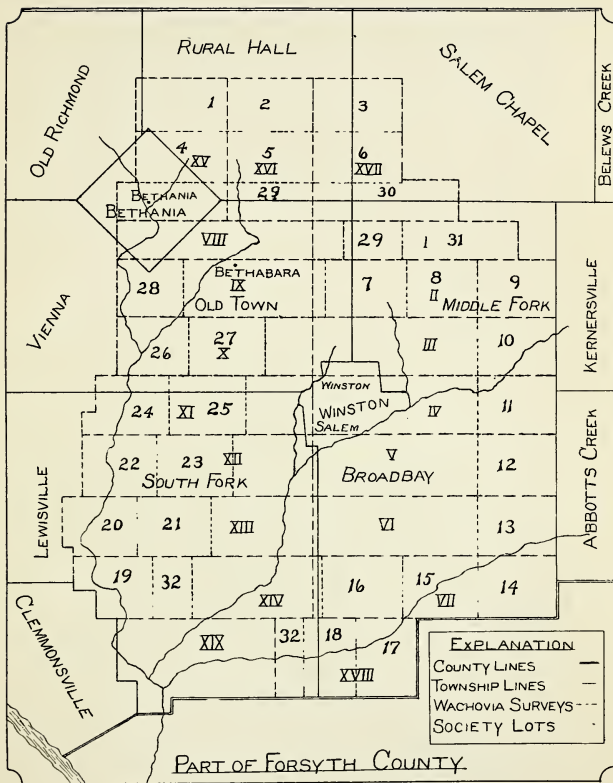
Strangely enough, almost all the contracts and certificates issued by the Society are preserved in the Herrnhut Archives, and after the lapse of more than a century it is possible to compile a complete list of the original shareholders, to note their places of residence, and the order in which they subscribed:

1. 1753. Johann Christoph Sack, Koenigsberg, Germany.

*August Gottlieb Spangenberg frequently used the name "Joseph"—why, is uncertain.

2. 1753. Reinhold Gerhard Georgi, Koenigsberg, Germany.
- *3/1. 1754. Georg Gottfried Gambs, Strassburg, France.
- 3/2. 1754. Johann Leonard Roederer, Strassburg, France.
4. 1754. Hans Ernst von Zezschwiz, Herrnhut, Saxony.
5. 1754. Johann Steinhauer, Riga, Russia.
- 6/1. 1754. Traugott Bagge, Gottenberg, Sweden.
- 6/2. 1754. Benjamin Bagge, Gottenberg, Sweden.
7. 1754. Cornelius van Laer, Zeist, Holland.
8. 1754. Abraham Duerninger & Co., Herrnhut, Saxony.
9. 1754. Johanna Sophia von Schweinitz, Herrnhut, Saxony.
10. 1754. Johann Caspar Rosenbaum, Dantzig, Prussia.
11. 1754. Heinrich Giller, Herrnhut, Saxony.
12. 1754. Madtz Jensen Klein, Drammen, Norway.
13. 1754. Johann Steinhauer, Riga, Russia.
14. 1754. C. F. Martens (for Single Brethren's Diaconies), Herrnhut, Saxony.
15. 1754. Johann Hartmann, Hirschberg, Silesia.
16. 1754. Jean Jacque de Schwarz, Coire, Switzerland.
17. 1754. Christian Schmidt, Stettin, Prussia.
18. 1754. Jean Henri de Planta de Wildenberg, Coire, Switzerland.
- 19/1. 1754. Michael Zellich, Riga, Russia.
- 19/2. 1754. Johannes Andreas Schmutz, Strassburg, France.
20. 1754. Friedrich von Wiedebach, Herrnhut, Saxony.
21. 1754. Gottfried Clemens, Barby, Saxony.
22. 1754. Johann Christoph Sack, Koenigsberg, Germany.
23. 1754. Johann Erhardt Dehio, Herrnhut, Saxony.

* 1,000 acres— $\frac{1}{2}$ lot.



24. 1754. Friedrich Justin von Bruiningk, Livonia, Russia.
- 25/1. 1754. Hans Hermann von Damnitz, Guettau, Saxony.
- 25/2. 1755. Johann Gustav Frey, Errestfer, Russia.
26. 1759. Fredrich Heinrich von Bibra, Modlau, Silesia.

A map of Der North Carolina Land und Colonie Etablissement, dated 1754, shows the Wachovia Tract as divided into "Societaets Land" and "Unitaets Land." The former consists of thirty-two long, narrow lots, running east and west, arranged in three sections, six across the north end of the tract, fifteen on the east side, and eleven on the west. A strip across the south, up the middle, and out to the west border was reserved for the Unity, and included the sites of Bethabara ("Old Town"), Bethania, and Salem. That this Unity land was reserved with a definite purpose appears from a letter written by Peter Boehler in March, 1752, before Spangenberg started on his surveying tour: "In picking out a 100,000 acres of land they should lay it out four square; * * * in the center also, the town or Ort Gemein could be built. And so the inhabitants of the farthest limits of that land would not be above two hours' moderate walk, and one hour's moderate ride from the Ort Gemein." For the time being it was considered that each certificate carried with it the lot bearing the corresponding number, though an actual award of the lots was not made until 1767, as will appear later.

Cornelius van Laer resigned his office as director of the Society in the fall of 1763, his formal release bearing date of October 3d; and Spangenberg, who had many other duties and responsibilities, felt that he could not properly attend to the matter alone, so tendered his resignation also as director. This caused a thorough discussion of Wachovia af-

fairs in the Directorial Conference, a board created by the Synod of 1756 to care for the temporal affairs of the entire *Unitas Fratrum*. It was decided, July, 1763, to drop the organization of the North Carolina Societaet, as such, and to let the management of the North Carolina settlement revert to the Directorial Conference. Jonas Paulus Weiss, who was a member of the Conference, was put in full charge of the office, being already familiar with its details through his service as bookkeeper. Weiss was directed to notify the shareholders of this change, and to inform them that Frederick William von Marshall had been appointed agent for the Unity in North Carolina, and that on arrival there he would look into the question of the proper plotting of the Society lots, with the intention of their being soon transferred into the possession of the shareholders. The map of 1754 had been pronounced unsatisfactory, on account of the odd shape of the lots, already described; a newer map, 1759, showed the lots more or less square, and seemed far better. After further deliberation it was noticed that the lines of the lots did not coincide with those of the nineteen surveys, and in view of the ever-present danger that failure to pay quitrents might work the forfeiture of part of the land, it was deemed wise to have another map drawn, with due attention to this point. This third map bears date of February 19, 1765, and was like the one finally accepted, except that there were only twenty-two lots, the numbering was different, and there were no lots on the west, but three additional ones on the east, which were later dropped to give more free ground for the central town, Salem, the site for which had been selected just five days before this map was drawn. The Conference minutes of 1765 state that the value of land in North Carolina at that time was £10 to £15 Proclamation money, or £5 to £7:10 Sterling per 100 acres; that is, from 25 cents to 37½ cents per acre. Further, that it was very difficult to lease or rent land, for industrious men wished to own their

farms, and had no trouble in getting them, and those who were content to rent were apt to be poor pay. In this year, also, it was decided to put the owners of the Societaet lots into actual possession, but the distribution was postponed until Marshall, who was then in America, could come to Europe and give them the benefit of his personal observations there. The Unity did not wish to run any risk of the lot owners letting their property pass into strange and possibly unfriendly hands, so it was resolved that in case any man wished to sell, the Unity should have the refusal of the lot, at such price as the owner might be able to secure from others.

By this time various changes had occurred in the ownership of the shares. Six had been given up entirely, for various reasons; Gambs (3/1) had died in 1756, and, according to his previously expressed desire, his share was returned to the Unity. This share was reissued to Peter Drews and Johann Nuescke, of Stettin, in 1758, but the latter died, and the former found it difficult to keep up the payments, so in 1763 it was for a second time returned. Zezschwiz (4) gave up his because of the death of the son for whose benefit he had subscribed. Van Laer seems to have dropped his lot (7) because his son was not interested. Rosenbaum (9) returned his in 1755, but after his death Johann Heinrich Koeber took it up again for the benefit of the family. Clemens (21) sold half to Johann Leonard Weinel, Herrnhut, but both found the payments too heavy, and surrendered the shares. Damnitz (25/1) became dissatisfied, and gave up his. Only in the last-named case was there any claim for the money already paid in, which had ranged from £21 to £193. Sack (1 and 22) arranged with the Conference that his lots should be held for the benefit of Mrs. Schiffert and her children, the shares thereafter being entered as "Sack and Schiffert." Georgi's share (2) had passed by will to his two sons-in-law, Bujak and Hojer. The former had died, but his widow

and son inherited his half. Zellich's lot (19/1) had passed to his widow, and Schwarz's (16) to his partner, Conradin von Perini. Mrs. von Schweinitz had also died, and one-half of her share (10) was held by her heirs, and one-quarter each by Rennekampf and Walther. Dehio (23) had sold one-half to George Kandler in 1761. Giller (11) had presented his share to Nathaniel and Anna Johanna Seidel, who had given it to the congregation of Bethlehem, Pa., which had sold it to John Leinbach, who took possession of his lot, built a house, and moved into it, June 27, 1765. In February, 1767, Benjamin Bagge and his wife transferred their half share (6/2) to Traugott Bagge, who was going to Salem to live.

At last, on June 30, 1767, the actual distribution of the lots took place, and July 17th, a circular letter was sent out to the shareholders. It explains that the somewhat lengthy delay had been caused by war, and by the death of Count Zinzendorf, and other circumstances affecting the Unity. Hearty thanks are expressed to the "Interessenten" for their aid in promoting this good work, and for their patience through all difficulties and delays. The establishment of the central town, Salem, and the erection of the first houses there, is noted with pleasure. The map of the Societaet lots (see cut, Nos. 1 to 32,) is explained in detail, and also the method by which the lots had been apportioned, so that no question of partiality could be raised. The annual quitrent for 2,000 acres is fixed at £3; and option reserved to the Unity, in case any lot owners wish to sell. The advantage of going in person to settle the lots, or inducing others to go, is set forth; but if any can not do this, the services of Frederick William von Marshall—who is about to return to America and settle in Wachovia as the representative of the Unity—are offered, and it is suggested that owners write direct to him, authorizing him to sell or rent their land as occasion may offer. The circular is dated from Herrnbut,

and signed by the Unitacts Vorsteher Collegium" (Board of Wardens), which had succeeded the Directorial Conference in the management of the Unity's financial affairs.

Marshall returned to Wachovia in 1769, and many of the lot owners authorized him to sell their land on the most favorable terms he could secure. At first this was no easy matter. From letters he sent home to the "Collegium" it appears that there was no great demand for land, and that prices were low. Nor could he do anything toward pushing one or another lot whose owners were pressing for sale, for newcomers wished to be near friends and acquaintances, or near a mill, or a schoolhouse, and he must of necessity sell what and where they wished to buy. Gradually the growth of population produced increased demand and increased value of land, and whereas £20, North Carolina currency, per 100 acres was deemed high in 1768, he was able to secure £32, North Carolina currency, per 100 acres in 1772. In the Salem archives there is a small, brown, leather-covered memorandum book, in which Marshall noted various things which he wished to have convenient for reference. There are plots of small tracts bought and sold; items concerning the water supply in Salem; the wages paid surveyors, etc., etc.; but especially pertinent to this sketch is the rate of exchange between the various kinds of currency then in use. This varied from time to time, but in 1772

£—: 15:1 Sterling = £1:6:9 Proclamation, or,

£11:5:6½ Sterling = £20:—:— Proclamation.

An elaborate table of comparative values is not dated, but other entries show that it was written in 1774. By that time Proclamation money, or North Carolina currency, had fallen off a little:

50 hard dollars or pieces of eight =

£18:15:—Pennsylvania currency =

£20:—:— North Carolina currency =

£11:5:— Sterling.

According to this table, the price of land had increased from \$50 to \$80 per hundred acres, in four years.

As opportunity offered, Marshall sold land belonging to the Unity or to the Societaet; while in Germany the U. V. C. bought lots from those Societaet members who did not care to hold for Marshall's disposal to actual settlers. As the books of the Societaet are not at hand, it is not always possible to tell whether land was sold *through* the Unity or *to* the Unity, but the following list gives the names of those who received lots in the distribution of 1767, the number of the corresponding stock certificates, and as accurate a statement of the final disposition of the lots as it has been possible to procure. For the sake of convenience the price, where known, is given in dollars. Not all the lots plotted were required for distribution, and numbers not assigned are here omitted.

Lot No.	Certificate Number.	Name.	
1	11	John Leinbach.....	Deeded to five of his sons, four parts in 1770, one in 1771.
2	26	Baron F. H. von Bibra.....	Purchased by "Unitaets-Vorsteher-Collegium."
3	6	Traugott Bagge.....	Deeded to Bagge in 1770.
5	18	Jean Henri Planta de Wil- denberg.	Purchased by U. V. C. 1774, for \$1022. 22.
6	2	Mrs. Bujak and Son; Dan- iel Heinrich Hojer.....	The latter transferred his half interest to Mrs. Schiffert in May 1768. Entire lot sold to U. V. C. 1772, for \$900. 00.
8	16	Conradin von Perini	Sold to Jac. Ulr. Albertini, and by him to U. V. C. 1774, for \$773.32.
9	1	Sack and Schiffert.....	Sold to U. V. C. 1772, for \$900. 00.
10	9	Von Schweinitz heirs $\frac{1}{2}$; Mrs. Rennekampf, $\frac{1}{4}$; Walther $\frac{1}{4}$	Purchased by U. V. C.
12	13	Johann Steinhauer.....	Passed by will to his son Daniel. 411 $\frac{1}{4}$ acres sold to Frederick Miller, 1774; balance to Magdalene Rigelmann, of Riga, 1788. She sold to the U. V. C., 1789, for \$1125.
13	15	Johann Hartmann	Given to the U. V. C. in 1768. In 1769 sold by Marshall for the Broadbay settlement.
14	20	Friedrich von Wiedebach.....	Passed to heirs. Sold to U. V. C. 1774.
15	5	Johann Steinhauer.....	More than half sold for his heirs. Remainder purchased by U. V. C., in 1789.
16	3 $\frac{1}{2}$ 25 $\frac{1}{2}$	Johann Roederer— $\frac{1}{2}$ John Gustav Frey, $\frac{1}{2}$	Roederer sold his half interest to U. V. C. in 1773, for \$430.92. Frey's half also bought by Unity.
18	17	Christian Schmidt	Passed to his heirs. Sold for them by Marshall, 1772, for \$1600. 00.
21	19 $\frac{1}{2}$ 19 $\frac{1}{2}$	Zellich's widow— $\frac{1}{2}$ Johann A. Schmutz $\frac{1}{2}$	Both sold to U. V. C., the latter in 1773.
22	8	Abraham Duerninger & Co.	Sold to Traugott Bagge, Sept., 1774.
23	12	M. J. Klein	Purchased by U. V. C.
25	14	C. F. Martens (for single Brethren's Diaconies)	Part sold on their account; balance bought by U. V. C. in 1812.
26	22	Sack and Schiffert.....	Sold to U. V. C. 1772, for \$900. 00.
27	24	F. J. von Bruiningk.....	Purchased by U. V. C.
30	23	Johann E. Dehio $\frac{1}{2}$ George Kandler $\frac{1}{2}$	Purchased by U. V. C.

It will be noted that Traugott Bagge was the only one of the original shareholders who took a deed to his lot, and himself conducted its sale. Having settled permanently in Salem, he became one of the leading citizens of that central town, and the competency which he gradually gained was doubtless founded on the 2,000-acre lot which he took in the Society, and the additional 2,000 acres he bought from Abraham Duerninger. John Leinbach was the only man in the 1767 list who built a house on his lot and actually settled there.

Marshall's memorandum book states that the money ex-

pended by each Societaet lot owner to Michaelmas, 1772, amounted to £244 Sterling—\$1,085.50. It is, therefore, evident that few if any of the lot owners received the equivalent of the sum invested, and had the Societaet been organized as a speculative scheme the shareholders would have had good cause to feel disappointed. It is quite certain, however, that most of the men and women interested cared more for the cause than for their pocketbooks. And "Der North Carolina Land und Colonie Etablissement" was unquestionably a success. Made possible by the generous subscriptions of these friends, borne loyally on their shoulders through the early difficult years, liberally endowed with the lands which they allowed to slip back into its hands as it was able to receive them, the enterprise, at the beginning of the Revolutionary War, was becoming so prosperous as to awaken the jealousy of less successful neighbors.

Marshall was called to Europe in 1775 to attend a General Synod of the Moravian Church, and the war which broke out between England and the Colonies prevented his return for four years. Of the trials and difficulties of those years for the Moravian settlers in Wachovia no mention need here be made. Under all circumstances they were wonderfully preserved, and they emerged from those trying times but little the worse for their experiences. The most serious danger came at the close of the war, when, under the Confiscation Act, many claimed that the Moravian title to Wachovia had been forfeited because it was vested in James Hutton, an Englishman, and therefore an alien. By order of U. V. C., Hutton transferred his title, by deed of lease and release, to Marshall, October 28, 1778, but the validity of the transfer was questioned on account of the date, although Marshall had become a naturalized citizen of North Carolina during his residence in Salem.

Marshall returned to Wachovia in the fall of 1779, and

the matter was brought before the General Assembly of North Carolina in 1782. There it was argued that Hutton held title only "in trust for the *Unitas Fratrum*," that title had been transferred to Marshall subject to the same trust, and that peaceful Moravians who had been living in Wachovia since before the war ought to be protected in their property rights. To this view the General Assembly agreed, and an act was passed, bearing date of April 13th, which confirmed to Marshall the title to Wachovia and certain other lands in North Carolina "in trust as aforesaid."

The custom of vesting title in an individual for the benefit of the Church continued for many years, as the Church was not an incorporated body. Each "proprietor" was required to make a will, whereby at his death the estate would pass to another Moravian, selected by the U. V. C. Sometimes the estates were transferred by deed, when the ruling Board thought the best interests of Wachovia required it. There were eight Proprietors of Wachovia between August 7, 1753, and December 1, 1877: James Hutton, London; Frederick William von Marshall, Salem; Christian Lewis Benzien, Salem; John Gebhard Cunow, Bethlehem; Lewis David von Schweinitz, Bethlehem; William Henry Van Vleck, New York City; Charles F. Kluge, Salem; Emil A. de Schweinitz, Salem. On December 1, 1877, the last named deeded to "The Board of Provincial Elders of the Southern Province of the Moravian Church," all the property remaining unsold in his hands, this Board having been incorporated, and therefore being able to take over the title, the land having been bought by the Southern Province from the Unity at large. To-day scarcely fifty acres of all the tract remains unsold.

And how great the change in one hundred and fifty-seven years! From the "Etablissement" with its *Unitaet* and *So-cietaet* lots, its few scattered settlers and three small villages,

to Forsyth County, with its townships, the bustling Twin City of Winston-Salem, the railways, macadam roads, thriving villages, well-tilled farms, and comfortable country homes. Surely the fathers planned more wisely than they knew, for the old "Etablissement" has become one of the centers of prosperity in the Old North State.

GEORGE DURANT.

BY CAPTAIN S. A. ASHE.

The events of the distant past in the forests of Virginia and Carolina are largely veiled in obscurity. In June, 1635, a grant was issued to Richard Bennett for land in Nansemond County, "due for the importation of forty persons," among the names of whom was that of William Durant. The actual settlement may have preceded the grant some years.

In 1644 a new law was passed in Virginia, requiring all persons officiating in any church service to use the Book of Common Prayer, and this led to the removal of Bennett and many of his colony to Providence, near Annapolis, in Maryland. Apparently Durant was of the number, although the name was sometimes erroneously written Durand, and Duren. At Providence he was a landowner, an "elder" and a "leading man." About 1656 the settlement of Independents at Providence was broken up, and the use of the Book of Common Prayer in any church being at that time prohibited by law in Virginia, many of Bennett's followers returned to that province.

—The entry in George Durant's Bible is that he was born October 1, 1632; and it is surmised that he was a son of William Durant, and born in Nansemond County, Virginia; and that his youth was passed there and in Maryland. On January 4, 1659, being then 26 years of age, he married Ann Marwood, in Northumberland County, where the Potomac comes into Chesapeake Bay.† The service was performed by Reverend David Lindsey; but whether Parson Lindsey was of the Church of England or not is now unknown.

Just about the time of this marriage—1659—a number of adventurous spirits settled on the great Sound of Carolina, buying their lands from the Indians. Among these first set-

tlers were John Battle, Dr. Thomas Relfe, Roger Williams, Thomas Jarvis, Captain John Jenkins and Samuel Pricklove. George Durant accompanied them, but did not at once locate. He spent two years in exploring the country and examining locations, and then bought from the Indian king a tract at the mouth of the Perquimans River, that has since been known as Durant's Neck, his deed bearing date March 1, 1661. He then purchased an adjoining tract for George Catchmaid, Gent., of Ipswich, who brought into the colony thirty dependents. Others brought in nearly as many; John Harvey seventeen, Dr. Relfe fifteen, Captain Jarvis fourteen—and so on.

Within a year after Durant had located, Governor Berkley, of Virginia, went to England to pay his court to the restored monarch; and while there he received instructions to require the settlers on Carolina Sound, who had purchased their land from the Indians, to take out grants from Virginia, although that region was in the territory granted many years earlier to Sir Robert Heath, under the name of Carolina.

Catchmaid, being in Virginia, became aware of this order, and promised Durant, while getting a grant for himself, also to get one for him. Instead, however, he took out a single grant in his own name for the two adjoining tracts which Durant had bought from the Indian king, but agreed with Durant to make him title for his part at some convenient season.

In the meantime Durant had built a home for his family on his new possessions, and thither had come Mrs. Durant and her children, for on December 24, 1659, she had borne to her husband a son, George, and on February 15, 1661, a daughter, Elizabeth. These first children were certainly born in Virginia, but perhaps their third child, John, born December 26, 1662, and the subsequent children, were native Carolinians. And also a home was built on Durant's Neck for

Catchmaid, Gentleman, who lived there with his wife, the nearest neighbors of the Durants. Being a man of great consequence, Catchmaid was at once chosen Speaker of the Assembly, and he had much business on hand; so much that he never settled his matters with Durant, and they were unsettled when he died. However, as he was Speaker and a leader, he may have been suddenly killed in an Indian war that broke out in 1666. At any rate, at his death there were accounts to be settled between his estate and Durant, and title to Durant's home passed to the heirs of Catchmaid. There being no children, his widow took possession of Catchmaid's estate, but soon married Timothy Biggs, who made up the account, and agreed to make the title to Durant, but likewise died without doing so. Many years afterwards, when Durant himself was dead, Edward Catchmaid, of London, claimed the property as nephew and heir of Catchmaid, and Durant's sons brought a suit in chancery to enjoin him. The evidence in this suit is preserved; and from it some of the above facts have been gleaned.

The historian John Lawson, who was in Albemarle forty years after the settlement, says that "the first who came found the winters mild and the soil fertile beyond expectation; that everything came by nature, and the husbandman lived almost void of care and free from the fatigues of providing necessaries; that they were men of substance, each attended by a considerable retinue of servants." ⁴ As Durant quickly built his own house and appears to have been a man of substance when his family moved to Carolina, they had such comforts as an abode in the forest could afford. And as the settlement grew, his residence became one of the houses where the courts were held, and where the inhabitants met on public occasions. Although in the wilderness of a new country, he was by no means isolated, but enjoyed the association of congenial neighbors. ⁵

From the first the settlers were prosperous, and made good crops of tobacco, which found a ready market in Virginia and New England, yielding in return cloths and household goods and ample domestic supplies. Indeed, there was both a business and social connection with New England, as well as Virginia, some of the settlers coming from Massachusetts; and there was much trade between the two colonies. But this trade was in contravention of the English navigation laws passed to promote the commercial interests of the mother country. One of these laws forbade the importation of any manufactures except through the merchants of London, and another laid a tax on tobacco imported into England, for the private purse of the king; and another, passed in 1672, levied a tax on tobacco shipped from one colony to another. The first effort to enforce these laws in Albemarle was made in 1675. It raised a great commotion among the planters, as it lessened the value of their tobacco and interfered with their obtaining the manufactured articles they were supplied with by the Massachusetts traders. Durant himself was largely interested in tobacco, and the people, aroused by him and other leaders, were ready to rebel against the enforcement of these laws. Just then also a war broke out with the Meherrin Indians; and Captain Zack Gilliam brought his vessel, "Carolina," into Albemarle, well supplied with ammunition and firearms, at the very moment when needed.

The people first marched against the Indians and subdued them, and then they forced the Governor to let up somewhat in the enforcement of the navigation laws. Being "in arms, they were persuaded by George Durant, Valentine Bird, the collector, and one White, with others, to force the Governor to remit to the New England men three farthings per lb. The said Durant having then a considerable quantity of tobacco to receive, which he was to ship to New England."

Later, the Assembly deposed the Governor, and established a government after "their own model," and Durant was one

of the leaders in the matter. The next year, Speaker Eastchurch, being in England, the Lords Proprietors appointed him Governor, but Durant was himself in London* later, and declared to some of the Proprietors that Eastchurch should not be Governor, and threatened to revolt. (C. R. I., 287-8.) Captain Gilliam was also in London, and Durant returned on his vessel, then well armed. Whatever were the objections to Eastchurch, Durant was as determined as he was bold. He knew his people and had confidence that they would follow where he led. His purpose to revolt soon became known in Albemarle. On the first day of December, 1677, the "Carolina" again came into port, with Durant on board. A "New England Ambassador" had also been among the people, stirring them up on this very matter of the tobacco tax and the restrictive trade legislation that bore so hard on the colonists.

Eastchurch not having arrived, acting Governor Miller, aware of Durant's purpose to revolt, went on board the "Carolina," and putting a pistol to Durant's head, arrested him; but the revolutionists did not dally. All of the officers who did not fall in with them were speedily taken, and confined in log houses, ten feet square, specially built for their accommodation. Durant, Culpeper and their associates, having found the great seal of the colony, now carried on government in Albemarle in a regular and orderly administration, electing assemblies and establishing courts and mak-

* It is said that George Durant had a brother, John Durant, living in London. In D'Israeli's *Curiosities of Literature* there is this statement: "There was a most bloody-minded 'maker of working balls,' as one John Durant is described, appointed a Lecturer by the House of Commons—the Long Parliament—who always left out of the Lord's Prayer, 'as we forgive them that trespass against us,' and substituted, 'Lord, since Thou has now drawn Thy sword, let it not be sheathed again till it be glutted in the blood of the malignants,' the malignants being the cavaliers." This person, or chaplain of the House of Commons, may have belonged to the same connection. As the name is found sometimes written "Duren," the emphasis would seem to have been on the first syllable.

ing laws as if they had the sanction of the Lords Proprietors. When at length Governor Eastchurch reached Virginia, a force was raised by Durant to oppose his entering into Albemarle, but the Governor unexpectedly died with fever, and the peace of the colony was not further disturbed.

¶ In 1672, William Edmundson, a follower of George Fox, had visited Albemarle and found one Quaker there, Henry Phillips, but that faith then took root, and when these disturbances began there was quite a number of Friends, who refused to aid the revolutionists, and sympathized with Biggs, the tax collector, who was himself a Quaker. These complained bitterly of the treatment Durant gave them, and some of them fled to Virginia because of Durant's oppressions, as they alleged; and they sent a strong petition and remonstrance to the Proprietors against Durant's oppression and persecution.

In view of these facts, now well established by contemporaneous documents, it seems odd to read in some histories that Albemarle was originally settled by Quakers, and by others fleeing from Virginia to escape religious intolerance and oppression, and that Durant himself was a Quaker. The settlement, says Lawson, was by wealthy planters; but one Quaker was in Albemarle in 1672, and later Durant was regarded by the Friends as their persecutor and oppressor.

Eventually this revolt against Miller and Eastchurch was legalized by the Lords Proprietors, and Jenkins, who had cooperated with Durant and the other leaders, was appointed Governor, and Durant Attorney-General. But the Proprietors could not give immunity against the navigation laws, and the English government was too strong to be resisted; so it soon came about that the navigation laws and tobacco taxes were submitted to, although doubtless there were constant evasions. It was not until a century later, and then by a united continent, that the power of Parliament to tax America was definitely determined by force of arms. What was patriotism in 1776 would have been treason in 1676.

During the succeeding administrations, Durant doubtless exerted the influence that was inseparable from his character, talents and means. His residence was still a meeting place for the inhabitants, and there the court of "Berkeley Precinct" was held. By the commission of Governor Harvey, in 1679, "Georjius Durant vel Alexandrus, Lillington,"—justice, was to inquire into all offences, etc.; and Durant held the Court of Berkeley, afterwards Perquimans, precinct.

After some years, Seth Sothell, one of the Proprietors who had been appointed Governor, reached Albemarle, and soon began a course of oppression, seeking wealth at the expense of the people. Among other allegations made against Sothell was this: Richard Humphrey died, leaving a will in which Thomas Pollock was named executor. Sothell would not allow the will to be proved, but took Humphrey's property into his own hands. Pollock prepared to go to England to complain, and Sothell threw him into prison.

Another allegation was that he imprisoned George Durant upon pretense that Durant had said something reflecting on him, and then compelled him to give a bond while in durance, and afterwards, on pretense of the bond, seized on Durant's estate and converted it to his own use.

These high-handed outrages were more than the people would stand, and in the subsequent proceedings Durant certainly played a part with the spirit of his younger days. It was about the time of "the glorious revolution of 1688" in England, when the people modified their constitution, called in William to supplant James II, and limited the descent of the crown. In Albemarle, they were equally resolute. They seized the Governor, and, following the precedent of 1676, incarcerated him in a ten-foot log house, and proposed to send him to England for trial. Sothell, however, entreated them not to deport him to England, but, instead, to try him themselves, promising that he would submit to the judgment of the Assembly. The election was held, the Assembly met,

and on the trial he was found guilty on the above and other charges, and the Assembly gave judgment disqualifying him from ever holding the office of Governor, and banishing him from Albemarle for twelve months.

In this episode, as Durant was involved personally, he, as well as Pollock, doubtless was a chief actor, and the management and outcome of it are creditable not merely to his determined spirit, but to his wisdom and moderation. If there was an excess of turbulence ten years earlier, now the proceedings seem to have been conducted with decorum, as well as with energy and force. While the details have not been preserved, there must, first, have been an association, and a directory with power to manage, and an administration provided for. And it was this directory or administration that imprisoned the Governor and proposed to send him a prisoner to England; and it was this same body that entered into the agreement with Sothell to have the new General Assembly try him for his offenses. The preliminary steps, the conduct of the affair, the trial and the judgment, constitute an historical episode illustrative of the high capacity of the inhabitants of Albemarle to govern themselves, and with decorum and orderly administration to arrest oppression and maintain their liberties; and as Durant was necessarily a controlling spirit in the affair, the moderation of the proceedings reflect great credit on him for wisdom and prudence as well as for spirit and patriotism.

While Durant does not seem to have been employed by the Lords Proprietors in their government after this period, yet doubtless he continued to exert a personal influence during the remainder of his life. He died earlier than July, 1693, and his will was admitted to probate on February 6, 1694. He left descendants who have in every generation been among the most respectable and influential citizens of North Carolina.

HATORASK.

BY JACQUES BUSBEE.

As that mighty ocean river, the Gulf Stream, rushes hot from the straits of Florida around the corner of the continent, it meets full in the face the cold waters of the North Atlantic as they roll in an unbroken sweep from the frozen rim of the world.

With impact primordial the sands, swept along by the currents, shift, swirl and precipitate more slowly but not less surely than the vast cumulations of vapor forever hanging above the Diamond Shoals, and glorious as a vision of Walhallah. The three-mile stretch of flat beach forming the cape pushes twenty miles further to sea beneath the flood—a fringe of horror surrounding smiling, semi-tropical forests and sedges, like a necklace of scalps and skulls around some savage maiden. Yesterday, to-day and forever the quicksands of the Diamond demand their toll; human courage is unavailing, modern science is powerless to oppose it. A ragged end of the world in flux, to the cockle shells of commerce venturing within its dynamic circle, it is and ever will be “the graveyard of the American merchant marine.”

In the year of grace, 1584, two barques, bearing the first English adventurers to set foot on the American continent, borne north on the current of the Gulf Stream, sighted land across the flashing breakers of the Diamond Shoals. A low-lying line of blue behind ramparts of sinuous golden sand hills, it seemed a strange and mysterious world to these English after two months of hardship and hope.

But no chance of landing presented itself. “The second of July we found shoal water, where we smelled so sweet and so strong a smell as if we had been in the midst of some delicate garden abounding with all kinds of odoriferous flowers,

by which we were assured that the land could not be far distant; and keeping good watch and by bearing slack sail, the fourth of the same month we arrived upon the coast, which we supposed to be a continent and firm land, and we sailed along the same a hundred and twenty English miles before we could find any entrance or river issuing into the sea." So writes Captain Barlowe. Six years later Hatorask is again the setting of the fifth and final act of Sir Walter Raleigh's tragedy of the first attempt to colonize America by Englishmen.

The story of Roanoke Island has been thrashed and re-thrashed by historians till nothing remains to tell except the sphinx-like closing of the last chapter—the Lost Colony—and this remains an enigma to all, historian and poet alike. It is properly a part of Hatorask history also. Croatan, that mystic land and vanishing point of the Lost Colony is generally considered to be the mainland across Croatan Sound from Roanoke Island, but such is not the case—and John Lawson is responsible for the error. Let us see.

John White writes most vividly of his return to Roanoke and the desolation he found there. “* * * We let fall our grapnel near the shore and sounded with a trumpet call, and afterwards many familiar English tunes of songs, and called to them friendly, but we had no answer, * * * and as we entered up the sandy bank, upon a tree in the very brow thereof were curiously carved these fair Roman letters, C R O, which letters presently we knew to signify the place where I should find the planters seated, according to a secret token agreed upon between them and me at my last departure from them; * * * therefore at my departure from them in A. N. 1587, I willed them, that if they should happen to be distressed in any of those places, that then they should carve over the letters or name a cross X in this form; but we found no such sign of distress. And having well con-

sidered this we passed toward the place where they were left in sundry houses, but we found the houses taken down, and the place very strongly enclosed with a high palisado of great trees with curtains and flankers very fort like; and one of the chief trees or posts at the right side of the entrance had the bark taken off, and five feet from the ground in fair capital letters was graven C R O A T A N, without any cross or sign of distress."

Then he goes on to describe the dismantled and deserted wreck of the fort, with rusted iron fowlers and lockershot scattered and overgrown with grass; and at length he comes upon his chests, buried and dug up, and you see the man's selfishness: "* * * where we found five chests that had been carefully hidden by the planters, and of the same chests three were my own, and about the place many of my things spoiled and broken, and my books torn from the covers, the frames of some of my pictures and maps rotten and spoiled with rain, and my armor almost eaten through with rust; this could be no other than the deed of the savages, * * * but although it grieved me to see such spoil of my goods, yet on the other side I greatly joyed that I had safely found a certain token of their safe being at Croatan, which is the place where Manteo was born, and the savages of the *Island* our friends."

So with more rough weather and the loss of all but one anchor and some water casks, White suggests that they leave the colonists (his daughter and grandchild among them) to the savage friends at Croatan and winter in the West Indies, "with hope to make two rich voyages in one" and capture golden galleons.

So much for White—we have evidence of the colony at Croatan—but where was Croatan?

John Lawson was the first to set down as Croatan on his map the mainland across from Roanoke Island, and he no

doubt reasoned that as they had agreed to move fifty miles "into the main" before White departed for England, and as they left the word "Croatan" carved on a tree as their destination, that they had sought the nearest point on the continent, and that was of course Croatan.

But White did not so understand. To him the mainland across from Roanoke Island was Desamonquepenk and Secotan, the *Island* of Croatan lying some sixty odd miles to the south, for he had proposed to sail to it on the open sea. On White's own map, published by DeBry, he gives the name of Croatan to the banks from Cape Hatorask all the way down to Ocracoke Inlet (Wokoken next adjoining).

Hatorask was the home of Manteo's people, the friendly tribe to which he led the colony when supplies and help failed and treacherous Wanchese with his following pressed hard.

When White returned to England it was agreed that the colony was to move "fifty miles into the main," but when supplies ran short and no help came, what was the wisdom of going further away from possible aid? It would be madness!

The natural and sensible move would be to the banks, with the hope of sighting some English ship. Sir Francis Drake had sailed up the coast, and the first news of his arrival came to Ralph Lane from the man whom he had stationed seaward for the expected supply ships. To send a man to the Croatan of Lawson's map would be ridiculous, for the ocean can not be seen from there even with a modern field glass.

Drake had relieved and carried back to England the former colony under Lane when reduced to the last extremity. So the Lost Colony doubtless took their only chance, and let Manteo lead them to his own friendly people on Hatteras banks, where the opportunity of sighting some vessel was greatest. There lived the only friendly tribe, the only place of comparative safety in a wild and savage country. Furthermore, the inlets by which vessels entered the sounds lay on

either side of these banks. It was the point of vantage, the outlook where it would be impossible for a vessel to slip by without being seen. In Sir Richard Grenville's report of the diurnal of his voyage are these items: "The 26th we came to anchor at Wokoken. The 6th July * * * Captain Aubry and Captain Boniton, the same day were sent to Croatan where they found two of our men left there, with thirty others by Captain Raymond some twenty days before. The 8th, Captain Aubry and Captain Boniton returned with two of our men found by them to us at Wokoken. * * * The 21st, our fleet anchoring at Wokoken we weighed anchor for Hatorask (the present New Inlet), the 27th our fleet anchored at Hatorask and there we rested." Knowing the country, the time it would take sail or row-boats to make these trips, the dates given are most significant.

There is more land at Hatorask than at any other point along the banks, the forests covering some fifty square miles, to this day teeming with game. And it was undeniably here that the colony merged into the Indian tribe (the nursing mother of the Croatans), which afterwards, in accordance with Indian customs, moved farther south, and reaching the narrow and shallow waters of Core Sound, crossed over to the main land.

Hatorask is the vanishing point of the Lost Colony. They went there in 1587 or 1588, and a little more than a hundred years after, Lawson writes of them, in 1709: "A further confirmation of this we have from the Hatteras Indians (note that he calls them *Hatteras* Indians), who either then lived on Roanoke Island or much frequented it. These tell us that several of their ancestors were white people and could talk in a book as we do; the truth of which is confirmed by gray eyes being found frequently amongst these Indians and no others. They value themselves extremely for their affinity to the English, and are ready to do them all friendly offices.

It is probable that this settlement miscarried for want of timely supplies from England; or through the treachery of the natives, for we may reasonably suppose that the English were forced to cohabit with them for relief and conversation; and that in process of time they conformed themselves to the manners of their Indian relatives; and thus we see how apt human nature is to degenerate."

On Hatteras banks to-day are disconnected scraps of evidence to lend color to this belief. Traversing the sandy roads, hedged with youpon and holly, palm and pine, with houses flamboyantly painted and prosperous with lightning rods, people pass with swarthy skins, high cheek bones, straight black hair, and with that peculiar modeling of nose and mouth distinctly Indian.

And if one should stop to talk with these friendly, hospitable people, the use of many old obsolete words and phrases of Chancer's time would be noted; quaint turns of expression, words used with a significance they had long ago, but now spoken with a modern meaning.

Most houses are set in a clearing sufficient for a yard, but little attempt at beautifying is made. A garden is a rarity. Fishing, hunting, oystering—and a man lives well.

There is little land on the banks with a clear title. The best titles are possession. At Trent where some families lived who were known as "Red Men," but who strenuously objected to being called Indians, are examples of the punch-con fence—simply an Indian stockade made by driving down stakes close together.

All this is but indirect evidence, yet it forces belief and is probable. Still you go back to the thought that here on Hatteras, though the evidence is slight and circumstantial, the Lost Colony merged and blended with the Indian tribe that saved them from slaughter.

In the hook of the cape, leaning desperately away from the wind, in an attitude of hopelessly arrested flight, stands a giant live oak, with a copper spike driven deep into its dead trunk some four feet from the ground.

It is Teach's Oak; and back in the forest, on the summit of a high sand hill, defended by well-nigh impenetrable jungles, are three deep pits where ever-credulous cupidity has dug for buried treasure. Legend says that it was found, but by whom is still a mystery. Teach, whose stamping ground was Hatteras, lurked in the calm hook of the cape for vessels distressed by a northeast gale and the current of the Gulf Stream, unable to double the cape till the wind should shift. Many are the tales and traditions he has left on the banks, and to this day, in wild weather, his phantom ship is seen sailing safely over the mad waters of the Diamond Shoals, to send to everlasting doom some crew in dire distress. Who knows how many corpses he has added to the multitudinous drowned of many lands and times, who shriek with the wind at the horror of that moving, shifting sand, that lies in wait beneath the waves but never shows its hydra head!

Teache was finally captured and killed further down the banks, at Ocracoke Inlet, and his head, nailed to the mast of Lieutenant Maynard's boat, was carried in triumph to Bath Town and presented to his reputed friend, Governor Eden. Yet a guilty thrill of admiration rises in the heart (since Teache is at the safe distance of two hundred years) for a man of such strong personality, strength and initiative, and this North Carolina pirate will always be mentioned with deprecatory pride.

From cape to inlet, Hatteras is ten miles long, a series of high sand hills, densely wooded and combed with parallel sedges, running from east to west the entire length of the island. The woods disappear at Trent and the western end

is low and wet, the marsh dividing almost equally with the beach, which encroaches year by year—fifty years ago trees waving two miles to sea where now porpoise play. Houses are perched on any dry ground that remains, nestling among scrubby, stunted live oaks and water bushes and alive with mocking birds. Where beach and marsh converge to a bare point of sand at the inlet, are traces of Forts Clark and Hatteras. They were sand redoubts held in place by turf from the adjoining marshes, and pitifully inadequate to the attacking squadron of Butler's thirteen men-of-war. The force in Fort Hatteras was 718 men; the action lasted three hours and twenty minutes. Over three thousand shells were fired by the bombarding fleet during that time, twenty-eight in a minute falling within the fort.

The Confederate guns, old style smooth-bore pieces, were entirely out of range, and after a futile attempt, ceased firing altogether. This action occurred on August 29, 1861, and was the first naval victory, or victory of any sort for that matter, won by the Federals (if the pounding into destruction of a well-nigh helpless fort could be called a victory). This caused great rejoicing at the North, for it put the entire eastern section of the State at the mercy of the Federals.

One beautiful October day, tropically warm, we drove a shaggy little sun-burned beach pony and two-wheeled cart up to Trent to see the sand hills fantastically piled up by the wind, and changing shape more slowly but not less surely than the clouds of heaven, smothering the woods steadily and stealthily as they blow inland. The sea before us was oil-slick—only an undulation of white on the beach showed its breathing. We strolled over the wind-swept wastes of Trent, looked at tombs overturned, and bones exposed by the moving sands, and I picked up two teeth filled with gold.

"I can remember when these people were buried," said my friend; "they have not been dead over forty years; but when

I was a boy a skeleton blew out at King's Point that was over six feet long, and it had strips of metal all over the upper part of the body. No—it was not a coffin. It must have been armor. We boys sold it for junk. It was copper.”

And uprises a vision of the Lost Colony, blended with Manteo's people, living on these banks, hunting among these forests the deer and game that still abound; fishing in the shallow waters of Pamlico Sound; and the old free life of man, before civilization threw her restraining arms around him, surging back through his blood, blended with the Indian, that made the call of the wild irresistible. You behold the old people, crushed by hope abandoned of ever sighting some English ship, and nursing memories of home forever lost, as they see their children growing up more Indian than English; of the bitter tears that fall upon their comrades in adventure and misfortune as they lay them down in the armor so long and bravely worn, in a hole scraped in the sand.

THE TRUTH ABOUT JACKSON'S BIRTHPLACE.

BY BRUCE CRAVEN.

"Living, Homer begged for bread;
A dozen cities begged for Homer, dead."

This quaint and true saying is apt in connection with the dispute regarding the birthplace of Andrew Jackson. Living, the seventh President was not partial to, nor loved by, either of the Carolinas. He was the bitter enemy of South Carolina's greatest statesman, and as President defied the Carolinas and Georgia in the Cherokee Indian land troubles when, in answer to a Supreme Court decision in favor of the States, he said: "John Marshall has made his decision, now let him enforce it." These things account for the fact that there was no discussion or investigation of the location of the birthplace during Jackson's life, and consequently he died with the false belief that South Carolina was his "native State," as he often said.

That he believed he was born in South Carolina is without doubt, and there is no dispute in the whole story except as to one detail. In 1765, six sisters, with their husbands and families, landed in Charleston from the old world, and settled in the "Waxhaws," an undefined section between the present towns of Monroe, N. C., and Lancaster, S. C. These sisters, whose maiden name was Hutchison, were related to many others of their own name who had settled in the same section, and their husbands were Andrew Jackson, Sr., who settled near the site now known as the old Pleasant Grove camp-ground, nine miles inside North Carolina; James Crawford, who settled on Waxhaw Creek, about a mile inside South Carolina; George McKemey, near the Crawford home, but in North Carolina; John Leslie, Samuel Leslie, and James Crow.

In February of 1767, Andrew Jackson, Sr., died, leaving his widow and two children. His body was buried in the old Waxhaw cemetery, in Lancaster County, though there is nothing by which his grave can be identified, and no evidence to prove he was buried there except the settled traditions of the neighborhood, which seem to be specific and reliable. Soon after his death, his widow, with her two sons, left their North Carolina home to go to make their home with the Crawfords, who were the wealthiest of all the families mentioned. The road they traveled passed in sight of the McKemey home, where lived her sister Margaret.

To this point there is no dispute, but right here is the dividing line.

THE NORTH CAROLINA CLAIM.

Mrs. Jackson stopped to visit her sister Margaret, and there, in the night of March 15, 1767, Andrew Jackson was born. Three weeks later they located at the Crawford home in South Carolina, where Jackson lived until grown, then studied law in Salisbury, and located in the western part of North Carolina, which was later made into the new State of Tennessee.

This statement of the case rests upon three pieces of evidence: First is the settled traditions of the families above mentioned, some living in one State and some in the other. Colonel S. H. Walkup gathered their testimony and published it in the *Wadesboro Argus* of September 23, 1858. There were fourteen statements, representing all the families, and all agreeing that Jackson was born in the McKemey house, and that there were present in the house at the time Mrs. Elizabeth McWhorter, Mrs. Sarah Leslie, Mrs. Sarah Lathen, Mrs. Covsar, and Mr. and Mrs. McKemey. All of these people died before 1800, and their accounts of the incident were given by their children and grandchildren, who remembered well the oft-repeated story. There was no discrepancy in any of the many accounts.

There is no denial of the Walkup evidence, and all that is said in rebuttal is that Colonel Walkup led his witnesses by leading questions to say just what he wanted them to say. The character of the witnesses, however, is proven, and this, with the fact that some of them were South Carolinians, is sufficient reply to the charge. The original publication is in my possession, and was well and carefully prepared. At the time of the publication there was some doubt as to whether or not the McKemey home was in North Carolina, and this was not finally settled until recent years, when the land records in Register's books 11 and 14, in the Mecklenburg court-house were investigated and the records found proving completely that the McKemey tract of land was deeded to him in 1766, and deeded by him to Thomas Crawford in 1792, and in each case the residence of McKemey was given as Mecklenburg County, North Carolina.

The other point in the evidence is the statement of Jackson that he was born in the McKemey house, though believing at the time that the house was in South Carolina.

SOUTH CAROLINA'S CONTENTION.

For the South Carolina side of the case, there has never been but one solitary bit of evidence, and that is that Jackson himself thought he was born in South Carolina. Various biographers, etc., are cited to prove the claim, but in each case it is plain that they relied solely upon Jackson's erroneous belief, and nothing has ever been cited that was not founded on that error. Nothing could more conclusively show the utter worthlessness of the claim than the dependence put in a map of that section, made by J. Boykin in 1820. A cross mark on the map is made to designate the birthplace of Jackson, on the testimony, of course, of Jackson's own statement; but in the same map the Waxhaw Creek is made to rise in South Carolina, though, as any one can find out for himself, it

risers three miles inside of North Carolina. If J. Boykin was not accurate as to the location of a considerable creek, the location of which was a certainty, how could he locate the birthplace, about which he knew nothing?

So there is no evidence whatever except Jackson's. He believed he was "a native of South Carolina," but his testimony, without any proof, would be worthless when opposed to the real evidence above set forth. Jackson, himself, knew he was born in McKemey's cabin, and said so to James Faulkner, when both were spending the night in the cabin. (See Parton's Biography, volume 1, page 55.) This leaves his own testimony, which is all South Carolina has, as being his belief that he was born "in the McKemey cabin in South Carolina." He said one time that he was born "on the Crawford place," and the McKemey place was a part of the Crawford place and was naturally so considered, as Crawford was prosperous and McKemey was not; and the place was sold by McKemey to a Crawford, so at the time Jackson made the statement, it was the Crawford place. He never said he was born in the Crawford home, in which he was raised, and his only definite statement as to his birthplace was that he was born in the McKemey cabin. That specific declaration outweighs all his various statements that he was born in South Carolina, for he believed the McKemey cabin was in South Carolina.

CONCLUSION.

This is the plain statement of the whole dispute about the much-discussed question. The North Carolina claim is based on documentary facts. The South Carolina claim is based solely on the unsupported opinion of Jackson, whose opinion alone would leave the presumption in favor of North Carolina. All else that has been written or will be written on the subject is vain repetition and "words, words, words."

BIOGRAPHICAL, GENEALOGICAL AND HISTORICAL MEMORANDA.

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

ADELAIDE L. FRIES.

Miss Adelaide Fries, the author of "Der North Carolina Land und Colonie Etablissement," in this number of THE BOOKLET, was born in Salem, that quiet, quaint and charming old Moravian town in North Carolina, settled in 1765.

She is the daughter of John William Fries (1846) and Agnes S. de Schweinitz, daughter of Bishop Emil de Schweinitz, of the Moravian Church. She is the granddaughter of Francis Fries (1812-1863) and Lizzette (Vogler) Fries, daughter of John Vogler, Sr.

She is the great-granddaughter of William Fries (1775-), who emigrated from Germany to North Carolina in 1809 and here married Elizabeth Nissen. She is also a descendant on the maternal side of Count Zinzendorf, of Germany.

The Fries family is of German descent, and trace their lineage from the middle of the seventeenth century. They were distinguished types of the church of the "Unity of Brethren," the official name of which was "Unitas Fratrum," a body of earnest men who agreed to accept the Bible as their only standard of faith and practice, and established a strict discipline which should keep their lives in the simplicity, purity and brotherly love of the early apostolic church.

Miss Fries is a graduate of Salem Academy, is President of the Salem Alumnae Association, and Chairman of the Literature Department. She has made extensive investigations in Moravian archives in America and Europe, and is well prepared to give with accuracy and fidelity the history of the Moravian Church in America, and the broader history

of our country, which it touches on every side. She has written extensively on the subject, and has published "History of Forsyth County"; "The Moravians in Georgia, 1735-1740"; "The Funeral Chorals of the Moravian Church"; "Salem Academy"; "Brief History of Moravian Church," and has been a faithful contributor to the Wachovia Historical Society. This cultivated and useful woman is a fine type of the German element that has been a blessing to every community in which it settled.

Miss Fries is a worthy descendant of a noble ancestry, and fully sustains the reputation won by them. She continues a close student of history and literature, and will fix her place securely among the historical writers of our time.

SAMUEL A'COURT ASHE.

THE BOOKLET is indebted to Captain Ashe for the article on George Durant, which is given in his usual readable and charming style. It goes without saying that Captain Ashe, the subject of this sketch, is an historical genius and one in line with the foremost writers in North Carolina. He was born at Wrightsville Sound, eight miles from Wilmington, N. C., on the 13th of September, 1840. He was the son of William Shepperd Ashe, of the Rocky Point family of that name, and his wife Sarah Ann Green, who in the maternal line was a Grange.

Captain Ashe is connected lineally and collaterally with the old families who settled the Cape Fear country—the Porters, Swanns, Moseleys and Lillingtons. At the age of nine years, this young and promising boy was placed at school in Macon, Ga. Afterwards, until the age of fifteen, he attended schools at Georgetown, D. C.; Rugby Academy, Washington, D. C.; Oxford Academy, Maryland; where he received such education as to enable him to enter the Naval

Academy at Annapolis. Here he was called one of the "star" members of his class until he resigned and returned to his father's home, at Rocky Point, where he devoted himself to the study of history and literature bearing on the profession of law, reading "Reeve's History of the Common Law," Sharon Turner's "Anglo-Saxons," Robertson's "Charles V.," "Hallam's Middle Ages," and "Constitutional History," and such other works. From such a course of reading he was well prepared to take up a careful study of the law under Mr. William Ruffin, a man well endowed with great faculties and of a superior legal mind. About this time the Civil War broke out, and Mr. Ashe, like the other spirited young men, the flower of the South, laid aside his law books and responded to the call of his country. His first service was under General Whiting, at Wilmington. He was appointed lieutenant and assigned to duty at Fort Caswell. This fort, at that time, was entirely defenseless, and entailed upon young Ashe an immense amount of responsibility; but under the direction of Captain F. L. Childs, he was largely instrumental in putting it in condition for defense. He filled several other positions, serving with fidelity and valor any place to which he was assigned. In June, 1861, he accepted the appointment as captain and adjutant-general on the staff of General Pender. Later he enlisted as a private in Co. I of the regiment then known as the Eighth, but later the Eighteenth North Carolina Troops. Captain Ashe served the whole term of the war, with credit to himself and an honor to the cause. His life as a soldier has been fully written by his comrades in arms; therefore this writer will dwell principally on his career as student, lawyer, legislator, editor, historian, and citizen.

It was at Rocky Point that Captain Ashe spent his early childhood. This was formerly the home of Edward Moseley, that man among men; a defender of the people's rights, and

“who espoused the cause of religious freedom against the bigotry and narrowness of his age and country.” Might it not be said that here Captain Ashe imbibed the spirit of Edward Moseley? For it can not be doubted that material surroundings oftentimes impart influences that have their effect for good or bad, as the case may be.

It was here at Rocky Point, far from “the crowds of madding strife,” that the foundation strong and sure was laid by Captain Ashe, fitting him for the exigencies of life. The knowledge of military tactics, acquired in four years of service as a soldier; his intimate knowledge of law, his experience as a public official; his monumental work as an editor, and his innate love for the history of his native State, have been, and are, of incalculable advantage to him whose services are so often called into requisition. As a public official, his acts are recorded in the archives of State. As an editor, his name will descend to generations as one whose forecast, ability, judgment and discretion were of the best. By his editorials he led the party of the people from victory to victory. During the critical period after the war he directed his best efforts to save the State from vicious and dangerous rule.

Captain Ashe has given much time to the study of North Carolina history, and is looked upon and appealed to as authority on any disputed point. He was a valuable aid to Colonel William L. Saunders in the preparation of that gigantic work, the Colonial Records; and to Judge Walter Clark in the preparation of the State Records. He has prepared a school history of the State, which has not yet been published. He has made many valuable public addresses bearing on State literature and history. His last most valuable contribution is his “History of North Carolina from 1584 to 1783.” Only Volume I has been published. The first volume has been characterized thus by an acknowledged critic:

"The greatest event that North Carolina has known was the publication of Captain Ashe's history." Every library in the State should have a copy of this book. It contains about 725 pages, and is full of interest from cover to cover. He states in the preface that the work is based almost exclusively on the State publications; nearly every statement relating to North Carolina has for its support contemporaneous documents. It is dedicated to Thomas Jordan Jarvis and Colonel William Laurence Saunders, and closes with this paragraph:

"I dedicate this volume to you and to the memory of my departed friend, it being an early fruitage of his important State publications, the preparation of which was made possible by your own cordial concurrence: and I inscribe your name on this page in recognition of your great service to the people of North Carolina and in token of my friendship.

"S. A. ASHE."

Captain Ashe has contributed several articles of historic value to THE NORTH CAROLINA BOOKLET. In Vol. II his article on "Our Own Pirates" is a story of those desperate robbers who infested the coast of Carolina in the early Colonial period.

In Vol. IV "Rutherford's Expedition Against the Indians" is told in a most interesting way and treated more fully than is done by any other writer.

In addition to many historical and biographical essays which he has written, he has frequently made literary addresses of great merit and popularity. The address made on General Lee in 1906, under the auspices of the Johnston Pettigrew Chapter, Daughters of the Confederacy, received the highest commendations from those who heard it. This address was printed in pamphlet form and distributed by the Daughters as a means of enlightening the young generation and keeping fresh in their minds the greatness of Lee.

The ability and success with which Captain Ashe has wielded his pen proves the verity of the assertion that "the pen is mightier than the sword."

Captain Ashe married, in 1871, Miss Hannah Emerson Willard, of Raleigh, whom he survives, and has eight children.

NOTE.—Credit is due to Dr. T. B. Kingsbury for facts contained in the above sketch, the Biographical History of North Carolina, and other sources.—EDITOR.

BRUCE CRAVEN.

Mr. Bruce Craven, author of "The Truth About Jackson's Birthplace," has previously contributed to THE BOOKLET two articles on the Mecklenburg Declaration of Independence; and a sketch of his life appeared in THE BOOKLET for January, 1909. Mr. Craven is Superintendent of the City Schools of Kinston, and besides his high standing in educational circles, is a lawyer and public speaker of ability, has had experience in newspaper work, and is a frequent contributor to leading newspapers and magazines. His writings are characterized by conciseness and precision.

RESOLUTIONS OF RESPECT TO THE MEMORY
OF MRS. SUSAN GRAHAM CLARK, WHO
DIED DECEMBER 10, 1909.

IN MEMORIAM.

WHEREAS, God in His infinite love and wisdom, has seen fit to remove from earth to heaven our loyal member, our beloved Vice-Regent, Mrs. Susan Graham Clark:

Therefore be it resolved, That the North Carolina Society, Daughters of the Revolution, deplore the great loss they have sustained in her death.

That they are thankful for the influence and inspiration of her noble life, and feel that they have lost a faithful and highly esteemed member, beloved of all other members, ever devoted to the work of the Society and ready to contribute to the success of all its undertakings.

That they mourn the absence of her personal charm, and will ever lament the loss of her wise counsel.

That we tender to the afflicted husband and family our heartfelt sympathy in this great bereavement.

That these resolutions be spread upon the minutes of the Society and a copy sent to the family.

MRS. JOHN E. RAY,
MRS. LEIGH SKINNER,
Committee.

TRIBUTE FROM A FRIEND.

In Memoriam Mrs. Susan Graham Clark.

The North Carolina Society, Daughters of the Revolution, has sustained a loss in the removal to a higher, brighter life of one of her most prominent officers and loyal members, which will be felt not only in the present but through the coming years. Our beloved Vice-Regent was ever wise in counsel, true to the Society, just to her co-workers, and faithful to every duty that was hers, always anxious to assume even more than was her share. Those who were so fortunate as to have known her through this organization, feel that in knowing her they were amply compensated aside from other advantages.

Mrs. Susan Graham Clark was the only daughter of the late Honorable William Alexander Graham and Susan Washington, his wife. Her father was one of the greatest men of his time, and he lived in an age in which intellectual giants were not exceptions. Of noble lineage, reared amid an uplifting environment, where lofty ideals and brilliant intellects were guides to the moulding of a grand character, she maintained the standards established by her progenitors in this and other lands. She was ever the unconscious leader of every circle honored by her presence. To few it has been given the privilege to dwell under the influence of greatness which she keenly appreciated as well as inspired.

The gift of intellectuality is to be prized and admired, but nobility of heart is to be cherished even more. With both Mrs. Clark was richly endowed. Her sympathy and kindness to those in sorrow knew no bounds.

Another bright star has passed beyond our horizon, though the radiance will linger, a sweet reminder of the precious friend whose place will ever remain an empty void that can not be filled.

INFORMATION

Concerning *the* Patriotic Society

"Daughters of the Revolution"

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.

"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.

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 eight 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.

Some North Carolina Booklets for Sale

Address, EDITOR, Raleigh, N. C.

Vol.

"Greene's Retreat," Dr. 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.

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