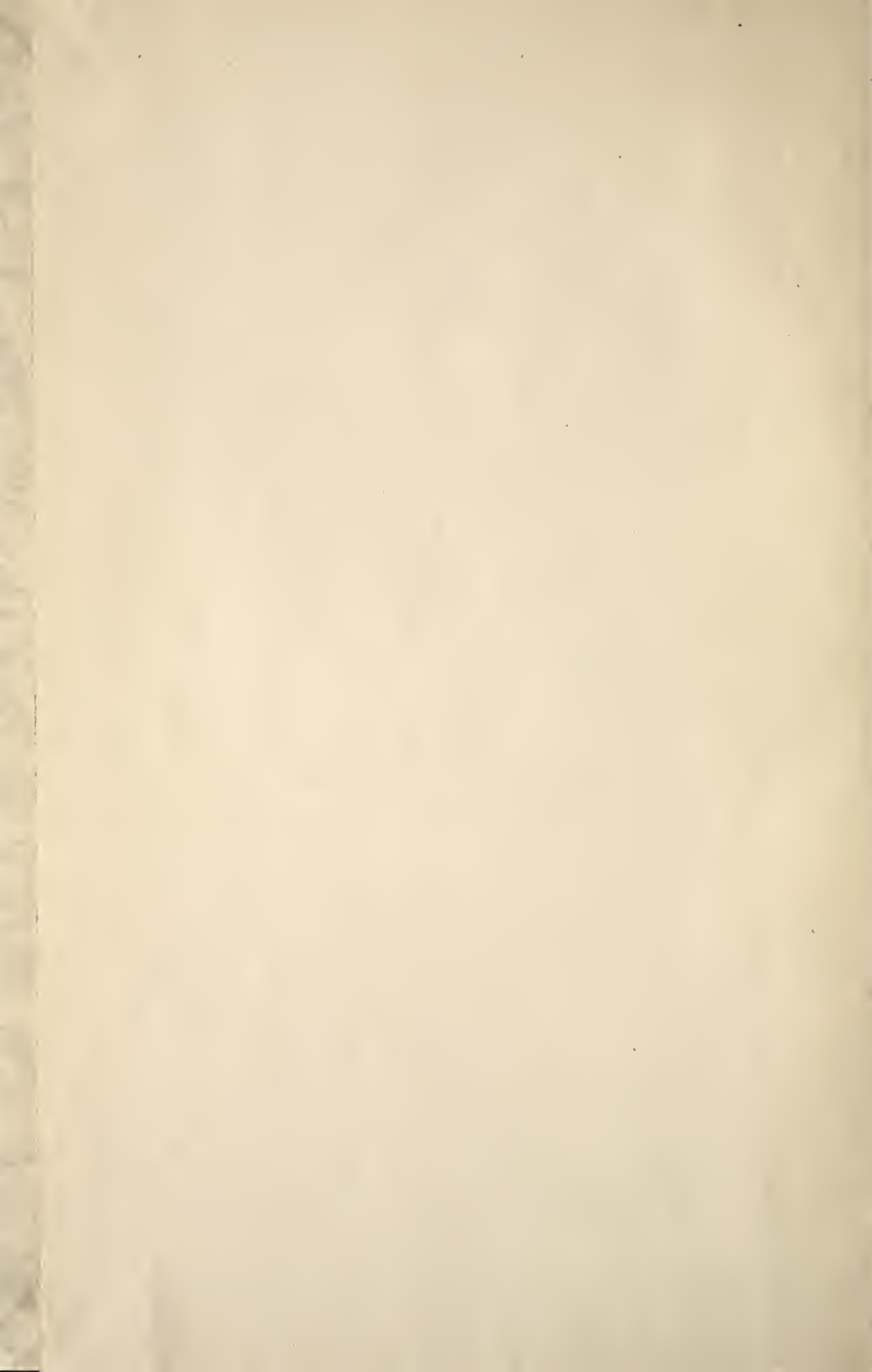





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From John White's Painting

Vol. X

JULY, 1910

No. 1

*The*

# NORTH CAROLINA BOOKLET

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

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Published by  
THE NORTH CAROLINA SOCIETY  
DAUGHTERS OF THE REVOLUTION

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

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# THE NORTH CAROLINA BOOKLET.

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 Vol. X

JULY, 1910

 No 1
 

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[After Homeward Bound.]

## THE CHASE.

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Freed from the lingering chase, in devious ways  
 Upon the swelling tides  
 Swiftly the Lillian glides  
 Through hostile shells and eager foemen past;  
 The lynx-eyed pilot, gazing through the haze,  
 His engines straining, "far hope dawns at last."

Now falls in billows deep the welcome night  
 Upon white sands below;  
 While signal lamps aglow  
 Seek out Fort Fisher's distant answering gleams,  
 The blockade runner's keen, supreme delight,—  
 Dear Dixie Land, the haven of our dreams!

JAMES SPRUNT.

The Confederate Steamer "Lillian," commanded by Captain John Newland Maffitt, and laden with war material from Bermuda for Wilmington, in the early part of 1864, had been hard pressed all day by a swift Federal cruiser which Maffitt ultimately baffled by using coal dust in his furnaces, raising a dense black smoke, under cover of which he closed his dampers and changed his course, while the cruiser continued to chase the trail of smoke. Maffitt then drove his vessel at full speed for New Inlet Bar and on the rising tide in the haze of the early evening ran a gauntlet of fire from fourteen blockaders while coursing down the beach towards Fort Fisher. A welcome darkness then enveloped the little fugitive. A signal officer called Fort Fisher's assistance by masked lights, and as the Fort responded, it also opened fire upon Maffitt's pursuers, and the goal was won.

## ART AS A HANDMAIDEN OF HISTORY.

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BY JACQUES BUSBEE.

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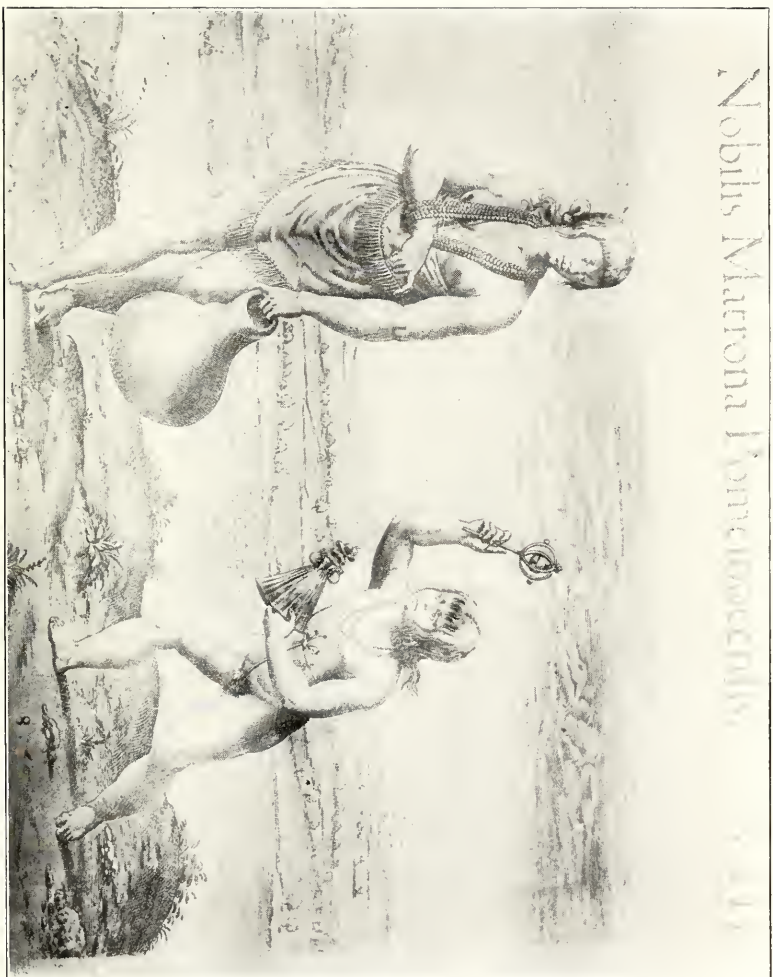
Descriptions never describe—or only to the extent that they correspond with visual experience already possessed. Could a man from the mountains who had never seen the ocean ever be told how it looked? Would not the actual first sight of it come as a soft shock and a total surprise?

However well we may know the actions of the past, however well we may know the personal traits of historic personages, we gain an added knowledge, a clearer appreciation of men and events when we can look upon their features fixed in paint or marble; when we can see the pageant of the past spread upon some great canvas. What we would know of Greece without her marbles would be vague and intangible. How many people have ever read Greek literature, Thucydides, Æschylus, Euripides, yet few golden oak tables, book-cases or mantelpieces lack their plaster casts of the Venus of Milos, or the winged Victory of Samothrace.

The whole history of the Renaissance could be rewritten from the frescoes and paintings of the old Italian Masters—the growth and supremacy of the Roman Catholic Church, the subtle intrusion of pagan ideas, the beginnings of modern culture. Masquerading as Madonnas and Saints, they are nevertheless the features and costumes of the men and women of the period—marvelously vivid records of the times.

Holbein, Van Dyke, Reynolds have done the same thing for English history. What vivid searchlight spots on the English Reformation are Holbein's portraits, fat King "Harry," the shrewd, beautiful face of Anne Boleyn, Warham, Archbishop of Canterbury, sour and inhuman with religious zeal; Sir Thomas More, with utopia written on his

Nobilis Mirona Pontroeculis





benign features; sickly little Edward Sixth, and that dear old English matron, with her mediæval manners and intelligence, Lady Butts.

It has been said that the whole period of Charles Second could be rewritten from Pepy's Diary were all else lost, but incompletely written were it not for the portraits by Sir Peter Lely and Sir Godfrey Kneller. One look at the portrait of that shiftless, sensuous Monarch's features and we breathe the atmosphere of those degenerate times.

We long to see! a name is but a name, a face we never forget. Abstractions even we are compelled to visualize. In the Sargent room of the Boston Library is a fresco of the Trinity—three old men with long, gray whiskers, wrapt under one cloak.

We think mainly with our eyes.

One of the greatest educators of the times is the moving picture show. Its popularity illustrates the point and goes to prove this unconquerable desire to see. The possibilities of the motion picture are incalculable. Already many a famous picture has been arraigned, acted and photographed. Washington crossing the Delaware is a case in point. North Carolina history needs illustrating. Events abound, splendid and inspiring, but they lie invisible, buried in old books and forgotten pamphlets, known only to a few enthusiasts. Painted history is irresistible, unavoidable, for once the eye rests upon it, the thing is done—it is hypodermic teaching.

The pace has already been set, yet it remains a sporadic performance to this day, three hundred and twenty-five years afterward.

The Prologue to the first act of North Carolina history has been wonderfully illustrated by John White in seventy-six water color drawings preserved in the Grenville Collection of the British Museum, purchased by the Trustees in March, 1866, of Mr. Henry Stevens at the instigation of Mr.

Panizzi. When these paintings came to light, it dissipated the strong suspicion that DeBry had invented his illustrations. How these paintings first came to be made should be as interesting to North Carolinians as it is little known by them. The story of the French and Spanish occupation of Florida, the incident of their butchering each other in religious frenzy to the astonishment of the American Savages is not germane to our subject. Suffice it to say that Jaques Le Moyne, the painter and mathematician, survived the butchery, reached England and finally found shelter in the household of Sir Walter Raleigh, with his paintings of the Florida Indians, fruits, flowers and animals, together with his journal intact.

Sir Walter, with his usual sagacity, realizing the immense importance of illustrating his long meditated projects of colonizing in America, sent with his first colony to Roanoke Island John White, who in all probability was a pupil of Le Moyne: for certainly in every respect Le Moyne was his model. In the manuscript department of the British Museum is a volume of original drawings relating to Florida and Virginia (Sloan, No. 5270) manifestly a mixture of Le Moyne's and White's sketches. They are very valuable and show the intimate relation of master and pupil.

John White came to Roanoke with the first colony under Lane and remained a year drawing the Indians, the fruits and animals from life, and in surveying and mapping the country with his friend, Thomas Hariot.

Upon the return of the colony to England, some of the adventurers (London gentlemen no doubt, who did not find their Coca-Cola and Piedmont Cigarettes on sale at corner drug stores) cast aspersions and slanders abroad in certain influential quarters. So Hariot's book was put forth in hot haste to counteract the reports of those ignorant persons returned from Virginia, who "woulde seeme to knowe so much

as no men more," and who "had little understanding, lesse discretion, and more tongue then was needful or requisite."

The book professes to be only an epitome of what was to come, for near the end the author says: "This is all the fruits of our labours, that I have thought necessary to advertise you of at present;" and further on, "I have ready in a discourse by itself in manner of Chronicle according to the course of times, and when time shall be thought convenient, shall also be published."

The Florida Journal of Laudonniere was published in Paris in 1586, and dedicated to Sir Walter Raleigh. Falling under the eye of the celebrated engraver of Frankfort, Theodore DeBry, he conceived the idea of issuing a luxurious edition of it illustrated with the exquisite paintings of Jaques Le Moyne. DeBry went to London in 1587, to see Le Moyne and arrange with him the illustrations; but Le Moyne, it seems, was contemplating some such scheme himself, and so DeBry failed in his mission. Le Moyne died in 1588, and DeBry succeeded in buying a portion of the artist's work from his widow, together with his version of the French Florida Expeditions. While in London he fell in with the geographer Richard Hakluyt, who at that time was seeing his first folio collection of voyages of the English through the press.

Seizing the psychological moment, Hakluyt introduced DeBry to John White, Governor of Virginia, then in London. White had done for Raleigh's Colony in Virginia what Le Moyne had done for Laudonniere in Florida. The enthusiastic Hakluyt impregnated DeBry with his hobby and induced him to abandon his plan of a separate publication and make a series of illustrated voyages, laying aside Le Moyne for the present and beginning with White. Le Moyne was dead, but White, Harriot and others were then in London to aid with eyewitness accounts and descriptions. Hakluyt

suggested reprinting Hariot's "Virginia" just coming out in February, 1589, illustrated from the portfolio of White. He himself engaged to write descriptions of the plates, and his geographical touches are easily recognized. Thus DeBry was induced to make Hariot's "Virginia" the first part of his celebrated "Peregrinations," with a dedication to Sir Walter Raleigh.

Full of Hakluyt's ideas, DeBry returned to Frankfort and in an incredibly short time (in 1590) issued his famous book in four languages, Latin, French, German, and English.

Thus we see that this book, the blending and interdependence of several men and interests leads up to Thomas Hariot. It is necessary to refrain from giving title page, dedication, etc., to this fascinating folio, as it would extend this account to undue length. A fragment of the Latin Edition (the plates without Hariot's "Virginia") is in the State Library. As to the engraved plates taken in connection with the eighteen copies in color from White's original paintings in the Hall of History, they are of exceeding interest.

Considering the state of art in England at the time, White's pictures are wonderful. Despite the inadequate technique, the crude drawing and color, nevertheless there shines out the truth of things actually *seen*. Discounting the certain conventionalities of art, the translations and transpositions it is necessary to make in art, in White's pictures of the Indians the aboriginal Savages are before us. That strange unbridged gulf that separates them from civilization is felt and wonderfully rendered. However poorly they are painted from the technical standpoint of to-day, they carry with them the conviction of reality, of things actually seen and rendered from life—easy to reconstruct with our present knowledge.

Out of the seventy-six paintings in the British Museum, only eighteen copies have found their way to North Carolina,

fourteen figures of Indians, three of villages and one of fish. They are in the Hall of History. Undoubtedly the State should own perfect copies of the entire collection.

Theodore DeBry engraved twenty-three of the paintings for his book. With his academic training he has so Dutched the figures by fattening them up and perfecting the drawing that they have lost all trace of Indian characteristics. True he had never seen an Indian, but all the subtle suggestiveness of White's paintings is lost. With that unconquerable desire to see he has supplied us with reverse views of many of the figures like modern fashion plates. Also the figures are reversed from the exigencies of engraving. Some of his fat Dutch ladies, masquerading as Indian women are quite laughable, with rotund breasts and sugar-cured hams.

Compare plate IV by DeBry with White's original drawing. The Indian woman of the drawing stands with folded arms, a small deer-skin apron around her loins and lavishly tattooed. Although rather heavy, she is long of limb, stolid of countenance, with an abundant suggestiveness of savagery in her unblinking gaze. The figure is painted in water-color on a background of white paper.

DeBry has engraved this plate showing also a reverse view, with her deer-skin apron tied in a coquettish knot behind, both views exhibiting a very rotund lady with tiny feet and smirking countenance. He has also added a landscape background, filled with men spearing fish and poleing canoes. He has perfected his described landscape with here and there the addition of a few dock leaves, the nearest approach in his experience to tropical vegetation. In other plates he shows Indian gardens that seem to be laid off with the neat precision of a Dutch horticulturist.

Plate VIII shows a greater liberty taken by DeBry than in any other, perhaps. A long-limbed, big-footed Indian woman stands with her weight equally on both feet, one hand

resting in a necklace of shells, the other holding a large water gourd. An Indian child follows her with a doll dressed in Elizabethan costume. The child is particularly Indian in character. DeBry shows us this lady fattened on Frankfurters, tipping herself archly, her weight on one foot, her beads very much finer, and with deep dimples in her elbows. The child is beyond all recognition, with fat, cherubimic limbs, curled hair, one arm held aloft with a rattle in the hand and the doll (an Elizabethan doll; DeBry had seen such dolls) the only thing in the picture better done than the original, held in the other hand. But, oh the feet!—nothing but angels that seldom perch could find them of any use. These two figures are placed much further apart than in White's picture, to satisfy DeBry's sense of balance and composition.

The book has an ornamental title page with five Indian figures very skillfully adapted to a decorative design.

Sir Walter Raleigh's coat of arms and the dedication to him by DeBry follow; then Hariot's dedication and preface; then his reprinted book, "Virginia." Following this is an engraving of Adam and Eve tempted by the serpent, then "To the gentle reader."

The plates begin with White's map of Virginia and the arrival of the English, twenty-three plates in all, followed by five pictures of aboriginal "Pictes," to show that the British descended (or ascended more properly) from ancestors no less savage than the Indians. DeBry waives all claim to the authenticity of the five pictures by adding a preface to them in which he says: 'The painter of whom I have had the first of the Inhabitants of Virginia, gave me also theese 5 figures following, fownd as he did assure me in a ooldd English cronicke, the which I wold well sett to the ende of thees first Figures, for to showe how that the Inhabitants of the great Bretannie have bin in times past as sauage as those of Virginia.'

In White's report of his last visit to Roanoke Island, the colony vanished, the wreck and desolation of Fort Raleigh, he drops a word about his pictures that is interesting. "Presently Captain Cook and I went to the place, which was in the end of an old trench, made two years past by Captain Amidas, 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 armour almost eaten through with rust."

Oh! that he had taken these pictures and maps back to England with him when he returned. Some more invaluable Caroliniana gone forever with Harriot's "Chronicle" that up to the present has remained unpublished. North Carolina is allowing to remain unpublished and unpainted her glorious past and her great present. The widespread knowledge of, say, Massachusetts history, is due primarily to her illustrators. What child does not absorb it from the pictures in school histories, from the paintings of all her leading events?

Our own history is illustrated almost entirely from pictures of monuments erected on famous spots, but the actions remain lifeless like the monuments commemorating them. Until some appreciation of the usefulness of art shall arise among us, our history will remain inanimate. Then and not till then can we enforce our claims to events that should be the pride of the nation at large, and are the glory of the old North State.

## SKETCH OF COLONEL FRANCIS LOCKE.

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BY GEORGE McCORKLE.

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How many men appear upon the stage of life, act well their parts, in many instances deserving the gratitude of coming generations, pass off the stage and are forgotten, what, though they have dethroned a tyrant, rescued a country from the heel of oppression, and saved to the people and coming generations the blessings of civil and religious liberty, yet their names perish from the earth seemingly, and often centuries come and go before a grateful posterity attempts to do them honor. This thought comes to me when I think of the subject of this sketch, Colonel Francis Locke, of Rowan, and the numerous heroes of that eventful period in the life of this great country of ours. Their names and their illustrious deeds of valor and heroism should not only live in bronze and marble, but in song and literature that coming generations may not fail to know how and whence came the blessings we enjoy, and knowing, render unto them that homage which is due from a grateful people. The histories of our State, and those outside so far as I have seen, are so conflicting and contradictory, with perhaps one exception, Dr. Rumple's, as to the relationship of Colonel Francis Locke to General Matthew Locke and Francis Locke, Jr., Judge and United States Senator, and as their relationship was so close and their activity so constant and unceasing for the cause of American Independence—lived side by side and buried side by side in old Thyatira Cemetery, hard by their broad plantations in Rowan County—I will state the facts as to their relationship, but first a word concerning the public services of General Matthew Locke.

The first of this once large, influential, and patriotic family in Rowan County came from the north of Ireland to America

in the 17th century and settled in Lancaster County, Penn. Tradition says the head of this family was Sir George Locke. He married Mrs. Richard Brandon, a lady of distinguished parentage. From Lancaster County, Penn., the three brothers, Matthew, Francis, George, and his sister Margaret, came to North Carolina and settled in Rowan County. The Lockes were of English descent and originally came from London. General Matthew Locke was born in the year 1730, and died in 1801, was an energetic, public-spirited, popular man, the determined foe of every form of oppression and fraud, and in 1771 sympathized with the Regulators in many of their just complaints and grievances. He was elected a member of House of Assembly in 1769, 1771 and 1773; and of the Provincial Congress at Hillsboro, August, 1775, and of the same body at Halifax in 1776, which formed the first Constitution for North Carolina. From 1777 to 1792 he was continuously a member of the Legislature and served on the most important committees. He was elected Brigadier General of State troops. In 1792 he was elected to the United States Congress and served continuously to 1799. He died September 7, 1801. He married Mary (Margaret), daughter of Richard Brandon, a name distinguished in the annals of those troublous times for courageous devotion to the cause of liberty and independence, and left a family of thirteen children, eight sons and five daughters, and among their descendants have been some of the most distinguished people in this and other States.

In his biographical sketch at Washington he states that four of his sons were in the Revolutionary army at one time. "It is said that in some emergency during the Revolution Colonel Francis Locke raised a strong company of minute men, composed mainly of Lockes and Brandons." One of General Locke's sons, Lieutenant George Locke, fell near Charlotte on September 25th, 1780, fighting for his country.

“While the British were in camp at Charlotte Colonel Davie ordered Captain John Brandon, Major Joseph Graham and Lieutenant George Locke with twenty-five men to reconnoitre their camp. When they marched within fifty yards of the enemy’s lines Captain Brandon proposed to advance and deliver a volley, which they did with great precision. Tarleton’s troops gave chase and pursued the Americans; Graham, Locke and others saw their capture was imminent and turned off from the main road. Graham fell with nine sabre wounds and three from lead and was left for dead, but marvelously survived. Lieutenant George Locke was literally cut to pieces in a most barbarous manner—two dead British were found near the spot where Lieutenant Locke was killed and Graham wounded. Captain Brandon owed his life to the fleetness of his horse. This testimony has come down from Colonel Alexander Work Brandon, a soldier in the War of 1812 and son of Colonel John Brandon.”

The other sons of General Matthew Locke moved to other states. John, who married a daughter of General Griffith Rutherford, removed with him to Tennessee, where General Locke had large landed possessions. His daughters married in North Carolina, gentlemen noted in Revolutionary annals, and from them numerous descendants have adorned the history of our State. Strange as it may seem there is not a male descendant of the Locke or Brandon name in North Carolina to-day, once the two largest families in Rowan County. The head-stone in Thyatira graveyard where General Locke was buried contains the following inscription: “In memory of Matthew Locke, Esquire, died September 7, 1801, aged seventy-one. A promoter of civilization, a legislator and a patriotic friend of his country. In his private character, a tender husband, and an affectionate parent, and an indulgent master, ever a friend to the poor, and attentive to his happiness in that state where we contemplate his existence leaving memory to retain him here.”

Colonel Francis Locke, the subject of this sketch as before stated, was the brother of General Matthew Locke and son of Sir George Locke. He also married a Brandon, daughter of Mrs. Richard Brandon, Anna by name, and sister of General Matthew Locke's wife, and settled on an adjoining plantation with his brother, Matthew, about five miles west of Salisbury on Grants or Sills creek, near Thyatira church. Here these two distinguished brothers lived and died proprietors of large landed estates and of numerous slaves. Colonel Francis Locke left four sons and three daughters. Among them was first John, who was a Major in the Revolutionary War, died in 1833, aged eighty-two years. The second and most distinguished of his sons was Francis Locke, Jr. He was born in Rowan County in 1776, was prepared for college in the school of Reverend Dr. McCorkle at Thyatira, who established the first Normal school in the United States. From thence he went to the University at Chapel Hill with his cousin Robert Locke, who graduated in the class of 1798. Francis Locke, Jr., studied law and achieved great eminence in his profession. He was appointed judge in 1803, which office he filled until 1814, when he resigned to accept his election to the United States Senate. This high office he shortly afterwards resigned never having taken his seat.

Colonel Francis Locke was a man of distinguished bearing and address, and was early, 1766, made sheriff of Rowan County. He succeeded Griffith Rutherford, afterwards General Rutherford, in this office which, owing to the wealth and area of Rowan County must have been the most lucrative and responsible in the State. In this trying position, when many of the crown officers were extortionate and dishonest, the popularity of Francis Locke and Griffith Rutherford and the confidence placed in them by the people is evidence of the honesty and uprightness of their official career. He was

among the first patriots to offer himself and his all to the cause of American Independence. At the April session of the Provincial Congress in session at Halifax, 1776, he was appointed Colonel of the first regiment of Rowan. In November following he was designated Colonel of the second batallion of volunteers when our State was going to the aid of South Carolina. In 1777-8, Colonel Locke was active in the cause of the Revolution, first organizing his companies, weeding out Tories, (it is said in one of his companies, Captain Johnson's, the Tories were about to elect all the officers), suppressing their activities when they became threatening in this part of the State and the following year, 1779, was with General Rutherford in his campaigns in South Carolina and Georgia—was prevented from participating in the battle of Bryar Creek, perhaps fortunately, and a few days later was engaged in the less strenuous duty of reviewing the errors of those who did, as a member of the court-martial requested by General Ashe.

The following year, 1780, gave to Colonel Locke the opportunity to make his name revered and honored as long as bravery, courage, and patriotism is esteemed among men. Ramsour's mill was the greatest victory for the patriots, and the bloodiest battle in all the Revolution, and Colonel Francis Locke was the chief commander of this great battle. A description of this battle will not be given here as it has been vividly described by General Joseph Graham in Wheeler's history, and lately by our present efficient Commissioner of Agriculture, Major William A. Graham in *THE NORTH CAROLINA BOOKLET*. A word, however, as to the importance of this battle and its influence upon the cause of our independence. The opening of the year 1780 found the cause of the patriots at its lowest ebb. General Ashe had been defeated at Bryar Creek, General Lincoln had failed to take Savannah, and Charleston had fallen into the hands of the British.

Burford was defeated on the Waxhaw settlements, and the South was left destitute of any regular force to support the cause of the Revolution. There were no regular troops south of Pennsylvania to oppose the British, or keep the Tories in awe. The States of South Carolina and Georgia were under the yoke of British rule, and the hopes of the Revolution in the South, and largely in the whole country, rested upon the courage and bravery of the patriots of the then *Young North State*, and they were not in vain, and never have been when her sons have been put to the test, and to-day we love to think of her as the dear *Old North State*. On the 14th of June, 1780, General Rutherford having learned that the Tories were embodied in large numbers in Tryon and surrounding territory, directed Colonel Francis Locke, Major Wilson, Captains Falls, Brandon, and other officers to raise a sufficient force to defeat and disperse them. The Tories were emboldened by the accounts given them of the fall of Charleston and the success of the British generally in the South, and the early coming of Cornwallis to subjugate the State of North Carolina by Lieutenant-Colonel Moore, their leader, who had come from the British army; and by the 20th of June they were thirteen hundred strong at Ramsour's mill, and eager for battle. No less eager were the four hundred patriots who had traveled all night of the 19th without a halt until within three quarters of a mile of Ramsour's where a council was held and Colonel Locke gave directions as to the plan of attack. About sunrise the morning of the 20th the cavalry which led the patriots made a furious onslaught on the Tories and were followed by the infantry. The battle raged furiously all along the line—sometimes against the patriots. Colonel Locke gave but few orders during the battle—his brave captains and fervent soldiers needed none. It was death or victory. One by one his brave captains fell

until four lay dead upon the field and two others prostrate with wounds. At many places clubbing with their long rifles in a hand to hand encounter was the order of the hour. A grand charge of the cavalry on the flank of the Tories, led by Captain John Brandon and Major Joseph McDowell, supported by the old guard of infantry directly under Colonel Locke, put the Tories to flight and from that hour Toryism was dead in the west.

Abram Forney, who was in the battle told the writer's father that it lasted more than an hour and a half and that as many Tories were drowned in the mill pond in their rear, killed and wounded as were in the whole force of the patriots. Three months hence and only twenty miles away King's Mountain was to be fought. Think of a victory at Ramsour's and Ferguson at King's Mountain with two thousand more men flushed with victory. On the contrary this great rout of the Tories at Ramsour's completely conquered them in old Tryon and the country around it and the patriots became invincible. Major Graham in a sketch of the battle says: "I do not think in killed and wounded in proportion to the number engaged the battle is equaled in the Revolution \* \* \* The defeat and rout of three times their number is certainly worthy of note."

"He that hath his quarrel just  
Is thrice armed."

Colonel Locke showed his magnanimity as he saw three Tory captains dead on the field not far from each other. He had seen their valor in the struggle just ended and he said, "these men shall not be buried with the common soldier." He had them buried in the same grave on the crest of the hill, and a rude carving on a soapstone has marked their last resting place for over a hundred years. This great battle with much truth may be said to have been the turning point in that great struggle for liberty and the heroic victors are scarcely

mentioned in history, which neglect and ingratitude is said to have been occasioned by the influence of the Tories and their descendants in this section, many of whom were influential and well-to-do people.

After this battle Colonel Locke and his brave men returned to their homes for a short rest and Ferguson's reported invasion of the State was the next call to arms. September, 1780, General Davidson orders "Colonel Armstrong, Cleveland and Locke to unite their forces against Ferguson and stop his progress." September 23d, 1780, Colonel Locke writes to General Sumner: "I have ordered all the militia in Rowan to join me at Sherrill's Ford, where I was ordered by General Davidson to take post, and send him all the intelligence I could of the strength and movements of the enemy. I have now not more than sixty men in camp and from the first accounts of the enemy they are eight hundred, and some say fifteen hundred strong, lying at Burke Court and at Greenleafs. Lead we are in want of. Colonel Armstrong was to have sent on a quantity. If you have any part of your army you could spare to our assistance I think we could drive the enemy out of our State."

But Colonel Locke was not destined to meet Ferguson. The "over the mountain" patriots were to swoop down upon him like the eagle upon its prey and destroy him forever. The movements of Colonel Locke and his men for the few months following were confined to his immediate section until the spring of 1781, when he began his preparations to join General Greene in his campaign against Cornwallis, going into camp near Shallow Ford on the Yadkin, where the famous "contention" arose between the different Colonels of the regiments as to the seniority of their commission and their right to command. Here was patriotism placed above self and State, and General Pickens, of South Carolina, without any special claim or merit over these battle-scarred veterans was

generously placed by them in supreme command. The infantry was placed under the command of Colonel Locke and Major Caruth, and with loyalty and supreme devotion the splendid soldier followed General Pickens in his short but brilliant campaign. Setting out immediately for Hillsboro with Colonel Locke in command of the infantry and Graham, of the cavalry, Cornwallis had scarcely pitched his tent before Pickens' men were in sight of the town and preparing to attack him. After engaging in several dashing and brilliant skirmishes and marching and countermarching in the following weeks with a view to re-enforcing General Greene and bringing Cornwallis to mortal combat, Colonel Locke's regiment joined General Greene at High Rock Ford on the Haw River, where their term of service ended on the 3d of March before the battle of Guilford on the 15th. Notwithstanding they remained some days afterward hoping to engage in a general battle and by General Greene's order reluctantly marched in companies for Rowan, Mecklenburg, and Lincoln counties, where they were to hold themselves in readiness to hamper the progress of Cornwallis should he retreat in that direction.

I will not further trace the military services of Colonel Locke other than stating that prior to the Declaration of Independence he buckled on his sword and struck for his country's freedom and obeyed every call of duty to the end; never in all that great struggle did he lead his faithful men to defeat, or turn his back to the foe. After the war closed and the independence of his country was recognized he returned to his home near Salisbury and spent the remainder of his days in the peaceful and dignified pursuits of the Southern planter, where subsequent to the 27th day of June, 1796 (date of his will), he died and was interred in the old historic cemetery of Thyatira Church, in Rowan County, where he lies with many of his devoted comrades in an un-

known grave. His distinguished son, Judge Locke, made provision in his will for suitable monuments to be erected to his father and mother out of his large estate, but it was sadly neglected by his unrelated executors and to-day this hero of the Revolution has no stone to mark his last resting place; honored less than the three Tory captains whom he magnanimously and reverently buried on the crest of the hill at Ramsour's Mill and where the little soapstone slab over their graves is the only monument that marks this historic field.

I sincerely trust that in the near future the Daughters of the Revolution, of North Carolina, whose tender memory of the sacrifices and deeds of heroism of their noble ancestors is so vitalizing and encouraging, will see to it that Ramsour's Mill is duly marked and that due honor be paid to the heroes who there fought and died for their country's freedom.

## UNVEILING OF MEMORIAL TABLET AT NIXONTON, N. C.

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BY MRS. WALKER WALLER JOYNES.

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After nearly a year of earnest endeavor on the part of the members of the Sir Walter Raleigh Chapter, Daughters of the Revolution, their efforts and purposes were happily crowned with success by the erection on June 11, at Hall's Creek Church, near Nixonton, North Carolina, of a Memorial Tablet commemorative of the spot on which was held the "First Albemarle Assembly, February 6, 1665."

In pursuance of the avowed ideals of the Daughters as set forth in their constitution, "To perpetuate the patriotic spirit of the men and women who achieved American Independence," the erection of this tablet was undertaken and successfully carried to completion.

The local Chapter, a mere handful of patriotic women, felt considerably handicapped in this comparatively novel undertaking on account of their limited financial resources, which would have been embarrassing, but for the cordial assistance of the citizens of this community.

The tablet stands close to the roadside, almost opposite Hall's Creek Church approximately, as near as can be ascertained, on the identical spot on which stood our sturdy forbears when they first enacted laws along the English lines for the preservation of freedom and liberty in this, the present State of North Carolina.

To Miss Catherine F. S. Albertson, Vice-Regent of the North Carolina Society and former Regent and Organizer of this Chapter, is attributable the inception of the idea to erect a suitable marker on this site and to her devoted and enthusiastic efforts the accomplishment of the project is largely due.

For the dedicatory exercises the Chapter was fortunate to secure as orator of the occasion the Hon. Francis D. Winston, of Windsor, a patriot whose extensive research in North Carolina history, intimate knowledge thereof and high educational attainments seemed to fit him particularly to officiate at this event.

After an informal luncheon at the hospitable home of the Misses Albertson, West Church street, at which were present Judge Winston, Windsor, N. C.; Mrs. W. D. Pruden; Mrs. Eugene Marriner, of the Penelope Barker Chapter Daughters of the Revolution of Edenton, North Carolina; Rev. Dr. Drane, Chaplain of the Sons of the Revolution, Edenton, North Carolina; Rev. C. F. Smith, pastor Christ Episcopal Church; Captain E. R. Outlaw and Miss Outlaw; Miss Sophie E. Martin; Professor Sheep, Superintendent of Public Instruction; Hon. I. M. Meekins, Assistant District Attorney Eastern District, North Carolina, all of this city; Misses Virginia Flora, Catherine Jones, Rose Smith, Mahala Meekins, members of the local chapter Junior Daughters and the members of this chapter, a start was made at 1 p. m. for the scene of the unveiling, under the most discouraging circumstances of lowering skies, frequent showers and muddy roads.

However, upon arriving at Hall's Creek Church, the spirits of the Elizabeth City delegation were quickly revived by the evidences of cordial appreciation and sincere sympathy exhibited on the part of the citizens, men, women and children of the surrounding community, who showed much interest in the object of our visit, introduced us to their church, which had been prettily decorated, and extended us every courtesy. Owing to the weather conditions it was decided to make a change in the program and to unveil the tablet prior to the other exercises. The stone had been previously draped with the North Carolina colors and a

National Ensign, to both of which were attached streamers of the buff and blue, held by four charter members of the Junior Chapter, Misses Meekins, Jones, Flora, and Smith, who, upon the conclusion of a brief address by the Rev. C. F. Smith, drew aside the colors, revealing the Memorial Stone in its simple though significant proportions, bearing the inscription, "Here was held the First Albemarle Assembly Feb. 6, 1665. Erected by the Sir Walter Raleigh Chapter, Daughters of the Revolution, June 11, 1910."

Immediately afterwards the audience passed into the church, Rev. R. B. Drane offered the opening prayer and in the absence of the pastor, Rev. J. M. Jackson, who had consented to be present and bid us welcome, this latter office was most fittingly discharged by Mr. H. E. Stokely, of Nixonton. The program was then carried out as follows:

State Anthem.....	Old North State.
Introduction of Speaker.....	Rev. C. F. Smith.
Address.....	Judge F. D. Winston.
Hymn.....	My Country, 'Tis of Thee.
Benediction.....	Rev. R. B. Drane, Chaplain Sons of the Revolution.

The scholarly address of Judge Winston was not only applicable to this particular occasion, but shed light on historical associations dear to the heart of the North Carolinian. It would be lacking in appreciation were the Daughters to record this happy event without expressing further their sincere thanks to the Rev. C. F. Smith for his hearty sympathy and invaluable services as chairman on the occasion. Upon the conclusion of the exercises the several participants dispersed to their respective homes, impressed with the profitable nature of the proceedings and grateful to those who made it a success. One of the most noticeable features of the whole function was the evident impression it made upon the citizens of this immediate vicinity and the great interest all of them took in the exercises. This, as

being directly in line of the intent of the Society, was most gratifying.

Later, at a meeting of the local Chapter, on Monday, June 13, resolutions of thanks were adopted to the citizens of Nixonton for their cordial sympathy and co-operation, and to Judge Winston for his timely and appropriate address, both of which were spread on the minutes of this Chapter.

## ADDRESS DELIVERED AT UNVEILING OF TABLET AT NIXONTON, N. C.

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BY HON. F. D. WINSTON,  
(Former Lieutenant Governor of North Carolina.)

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*Madame President—Ladies and Fellow Citizens:*

For more than three centuries the spread of the English-speaking people, over the waste places of earth, has been not only the most striking feature of the world's history, but also the event of all others, most far-reaching in its effects and its importance.

The tongue which Lord Bacon feared to use in his writings, lest they should remain forever unknown to all but the inhabitants of a relatively unimportant insular kingdom, is now the speech of two continents.

The common law which Lord Coke jealously upheld in the lower half of a single European Island, is now the law of the land throughout the vast regions of Australia and of America to the north of the Rio Grande.

The names of the plays that Shakespeare wrote are household words in the mouths of mighty nations, whose wide domains were to him more unreal than the realm of Prester John.

Over half the descendants of their fellow countrymen of that day now dwell in lands, which, when these Englishmen were born, held not a single inhabitant. The race which, when they were in their prime, was hemmed in between the North and the Irish Seas, to-day holds sway over the world, whose endless coasts are washed by the waters of the three great oceans.

There have been many other races that at one time or another had their great periods of race expansion, as dis-

tinguished from mere conquest, but there has never been another whose expansion has been either so broad or so rapid.

Contemporary with the philosopher, with the judge, with the playwright, was the diplomat, the soldier, the discoverer, Sir Walter Raleigh.

It is fitting that this good company should meet under the authority of his name to mark the spot, not far remote from the sands upon which his keels first touched, where the earliest effort at representative government was inaugurated in our State.

We are fortunate indeed in having with us the Penelope Barker Chapter, for that name also recalls another scene in our life hardly less worthy of note than our discovery; for the discovery is in vain unless the subsequent deeds of the planted colony are in keeping with the ideals of the original planting.

The presence of our visitors reminds me that Thomas Barker, the husband of the Penelope Barker, after whom their Chapter is named, was for many years the leading citizen and lawyer of Bertie County. He was born in London, was college bred, and read law in the Inner Temple. He was a man of large affairs. In 1748 he was appointed one of the first Code Commissioners of North Carolina. He lived on his plantation near what is now St. Johns in Hertford County, then the county seat of Bertie County.

In 1742, the seat of government of Bertie County was moved to near Windsor, and it became inconvenient to the great lawyer to search records and attend courts. He therefore sought a wider field for his talents and located at Edenton, where he afterwards married Penelope Ellsbeck, who presided over the Edenton Tea Party.

And here I wish to call attention to the claim made by the descendants of Thomas Barker, that the oil painting in

Edenton, a copy of which appears in Dr. Richard Dillard's most interesting "Edenton Tea Party" article, is not the image of Penelope Barker, but is the picture of her step daughter, Betsy Barker. Dr. Edward Williams Pugh, of Windsor, himself a kinsman of the descendants of Thomas Barker, a man of wide genealogical research and splendid and discriminating literary taste, and a writer of note, received from the late John Buxton Williams, a great grandson of Thomas Barker, the statement that the painting is the likeness of his grandmother, Betsy Barker, who married Colonel William Tunstall, of Bertie County.

It will be recalled that Thomas Barker in his will was particular to prevent any of his property falling into the hands of Colonel Tunstall, and his gifts to Mrs. Tunstall were very cautiously guarded to prevent that occurrence.

Dr. Pugh also has in his possession a copy—protograph—of the painting which was sent to him by Mrs. Clement C. Clay, of Huntsville, Alabama. On the back of the picture is endorsed in Mrs. Clay's handwriting, "Betsy Barker, painted in 1760."

Mrs. Clay was the great-great-granddaughter of Thomas Barker and of course the great-granddaughter of Betsy Barker.

Betsy Barker was a daughter of Thomas Barker and his wife, Ferebee (Savage) Pugh, the widow of Francis Pugh, of Bertie County. Mr. John Buxton Williams informed Dr. Pugh that the painting was the work of Princeley, the celebrated English artist.

In tracing the development of a country there are two periods that engage the attention of the historian; the period of discovery and the period of colonization.

The period of discovery passes away with the record of its occurrence. From the period of colonization we estimate and sum up results.

The people who laid the foundations of colonization in this new world were nearly all refugees, exiles, wanderers, pilgrims. They were urged across the ocean by a common impulse; and that impulse was the desire to escape some form of oppression in the old world. Sometimes it was the oppression of the state. Sometimes it was the oppression of society. Sometimes it was the oppression of the church.

In the wake of the emigrant ship there was always tyranny. Men loved freedom; to find it they braved the perils of the deep, traversed the solitary forests of Maine, built log huts on the shores of New England; entered the Hudson, explored the Jerseys; found shelter in the Chesapeake; met starvation and death on the banks of the James; were buffeted by storms around the capes of the Carolinas; bravely dared Hatteras to disappear in mystery; built towns by the estuaries of mighty rivers; made roads through pine forests, and carried the dwellings of men to the very margin of the fever-haunted swamps of the South. It is all one story, the story of the human race seeking for liberty.

The first planting of the English race in America was on North Carolina soil. Raleigh's Colony came for that purpose. Others had come before but not to plant a race. The Norseman had come across frozen seas with the daring and endurance of demigods. They sought only adventure. The Spaniard had come, but only for love of gold. Cortez had conquered Mexico and Pizarro, Peru. The Spanish flag waved and the Spanish Cross glistened on the peaks of the Andes and the shores of the Pacific, but nowhere in the new world, until Raleigh sent his colony to this State, was heard the cry of an infant child of pure Caucasian blood, proclaiming the birth of the white race on the Western Hemisphere. The Spaniard came with sword and cannon, with cross and crucifix, to conquer and to plunder. Soldiers and sailors, priests and friars, adventurers and plunderers, pi-

rates of the sea and robbers of the land, forsaking wives, children and homes, they sought in the new world new fields for lust, avarice and conquest. They left their women behind, and took to wife the savage women of America. Behold the result to-day in the hybrid races of Mexico, and of Central America! Spanish fathers, Indian mothers, hybrid children, homes of lust and of tyranny! Immeasurable inequalities between father, mother and children!

Raleigh knew better. Scholar, soldier, orator, statesman, philosopher, he knew that the English race, with its splendid civilization, could be transplanted to America only by transplanting the English home. He knew that civilization everywhere is built upon the home, and that every home is what the mother makes it. He filled his ships with women as well as men; he sent out colonies, not pirates; he planted in America not English forts but the English race. The Governor of his colony set the example of taking his wife and family, among them a grown daughter, Eleanor, a young wife and expectant mother. Here was life in all its gentleness and fullness! What need for guns and cannon! When the infant cry of Virginia Dare was heard on Roanoke Island, it sounded around the world and called across the seas all of the millions who have since come to build the American nation. It was a new cry, in a new world, a mightier sound than the clash of sword or the roar of cannon; a sweeter call than the vesper bell of hooded priest with his vows of celibacy.

That baby cry sounded the death knell of Spanish power in the universe, and the final overthrow everywhere of king-craft, priest-craft, lust-craft. It told anew the old story of life, how every life not only of the individual human being, but also of races, of nations, of civilizations, must begin with and be dependent on a little child, a little child born in lawful wedlock, a pledge of holy love between man and woman,

equally matched and equally sharing the joys and responsibilities of life. This was the lesson of Raleigh's colonies, a chapter of which we read to-day; the lesson the Spaniard never heard in all his heroic efforts to conquer and possess the new world. In Spanish conquest and colonization, no part was played by women and children; it was a jungle struggle for the mastery between human animals. In English conquest and colonization women and children went hand and hand with men. Wherever the English race has gone, to Roanoke Island, to Lucknow, to Gettysburg, a little child has led them; led them in affection, in memory, in inspiration to deeds of daring and fortitude.

Among all the little children of our race none stands out more pathetic, more dramatic, more significant of mighty events, than the child of Raleigh's colony, the first Anglo-Saxon born in America, little Virginia Dare, native of North Carolina.

Upon our soil she received the rite of Christian baptism, without which basis the colonization of America would have failed.

I commend to your enterprising Chapter the placing of a picture of her christening in our nation's capital, with mother and babe and minister of God as the central figure, and around them grouped the little colony, standing on shore; to the east the deep blue ocean stretching far away, on its ever restless bosom an endless procession of ships, bringing races and nations from the old world to new life, liberty and freedom; to the west endless multitudes of Anglo-Saxons, peopling the continent and making indeed a new world; and underneath this inscription:

"And a little child shall lead them."

Many incidents have marked the growth of Raleigh's ideas into our present civilization, either one of which would be proper and profitable for our study at this hour. I leave them to abler hands.

You render your State a rich service in placing this tablet. It will commemorate, not only the first assembling of the people of North Carolina for law-making, but it will also mark their first coming to the State. They had been here but a few years when that first assembly was held here. I shall not enter into controversy with those who have sought special reasons for the settlement of North Carolina. The early settlers here have been on the one hand described as lawless and fugitives from justice, idle and thriftless and simply adventurous and migratory; on the other hand they have been held up as the victims of religious persecution, fleeing hither for conscience sake.

The real situation and facts do not bear out either theory, but both decidedly convince us that the first North Carolina settlers came at the instance of the agents of the Lords Proprietors to take up the valuable lands they then had for settlement.

You will recall that it was a gradual movement—so natural that the particulars are not recorded in the local annals of the time. The truth is that a few active spirits, perhaps more adventurous than their neighbors, resolved to make new homes in a more attractive locality, delightful climate, magnificent bottom lands, and bountiful products.

It was no great company that came from Nansemond through the wilderness and brought their supplies and implements for house building by water from some convenient point in Virginia.

They came not as conquerors, writing their names in blood on the scroll of fame, nor yet were they exiles from the habitations of mankind for conscience sake. It was a time of profound peace in Virginia, when the freemen still governed themselves, chose their own officers, made their own laws.

It was not oppression that drove these first settlers into the wilderness. It was a clergyman of the church of Eng-

land in Virginia, Roger Green, who was given the first grant of land in 1653 to be located on the Roanoke River in what is now Bertie County, as a reward for inducing settlements to be made.

These first settlers were not discontented with the Democratic-Republican institutions under which they were living. They were not fleeing from the ills of life, nor plunging into the primeval forest to escape the tyranny of their fellow-men. They were bold, enterprising, hardy Virginians, nurtured in freedom's ways, who were wooed to this summer land by the advantages of its situation. The movement involved no great change. It was merely a removal of a few miles beyond the outlying districts of Nansemond with water communication to the marts of trade on the Chesapeake. Nor did they come without the sanction of the Indians, who were to be their neighbors in these new plantations. They came in peace and were received as friends by the native inhabitants, who surrounded them. Lawless men would have made no such peaceful approach. Discontented men would not have been so friendly. Beggars and fugitives from justice could not have brought the means of buying homes and could not have bought them.

Some act of dishonesty, of double dealing, of attempted fraud inevitably follows the advent of the criminal, the vicious, the tramp. Neither history, nor tradition gives us any stain upon the characters of those founders of our State. When they had wrongs to be redressed they petitioned those in authority. The vicious would have had no such inclination; he would have righted his own grievances. Those fleeing from persecution would not have petitioned those of like life and aims and purposes with those from whom they had fled. They would have borne in silence the new wrong as a cherished privilege of again suffering for conscience sake. Within six years, at most, of their coming we find them in

lawful assemblage asking the Lords Proprietors for a redress of wrongs. Well authenticated tradition tells us that the meeting was on this spot.

"In Grandfather Tales," the late Colonel Richard Benbury Creecy tells of a ride to this spot with General Duncan McDonald of Edenton: "Towards evening we crossed Hall's Creek bridge in Pasquotank County, a mile from the Hecklefield farm, at Nixonton. On rising the hill at Hall's Creek the General stopped his horse and said to us, 'The first General Assembly of North Carolina met under that tree,' at the same time pointing to a large oak tree on the left-hand side of the road, that towered above the oaks that surrounded it."

As this meeting was in the month of January and the house of a neighbor and well wisher of the movement was near at hand, and as the matter involved careful consideration, doubtless so much of the tradition as places the meeting under the oak may well be ascribed to the romantic.

Had these people come to North Carolina for any other cause than that of better location, no doubt some mention of those causes would have been contained in the action taken, either as a protest against repetition, or as an evidence of their final escape from them and of their real joy in their new home with every form of freedom.

Two propositions were presented. The first was that they be granted the same quit rents as were paid in Virginia. The second was that they be permitted to pay the rents in kind, and not be compelled to pay in money.

Thomas Woodward, the Surveyor-general and a member of the Council when government was set up in Albemarle County, on June 2d, 1665, wrote to the Lords Proprietors, saying: "The people will not remove from Virginia upon harder conditions than they can live there, it being land only that they came for."

He also mentions that he has been "many years endeavor-

ing and encouraging the people to seat Albemarle and that those that live upon a place are best able to judge of the place, therefore, the petition of the General Assembly that was here convened will deserve your Honors' serious consideration."

That these people were not malcontents, lawless, complainers, irresponsible, is evidenced finally both by the reasonable requests they made and by the ready response received to their reasonable demands, for on the first day of May, 1668, the Lords Proprietors delivered to "Our trusty and well beloved Samuel Stephens, Esquire, Governor of our county of Albemarle, and of the Isles and 'Islets within ten leagues thereof; and to our trusty and well beloved counselors and assistants to our said Governor, the Great deed," in which the quit rents were reduced to the Virginia basis and might be paid in kind.

I have assumed that your program would otherwise provide for giving on this occasion such local historical matter as would give the State its first real view of this historic spot.

You will pardon another reference to the character of the men who settled our State. As a child it made my blood hot with indignation to read that they were indifferent citizens. There is no better way of judging a people than by a study of the laws they enact. Let us for a moment study our ancestors in the light of legislation.

We are not able to say definitely when the people of the colony here in representative assembly first submitted laws to the Lords Proprietors for their ratification. We at least know that it was soon after government was first organized here, for within ten years we find that on January 20, 1669, the Lords Proprietors ratified nine separate acts previously submitted by the Grand General Assembly of Albemarle, in North Carolina. These acts were again ratified and passed at an Assembly held October 15th, 1715, at the house of

Captain Richard Sanderson on Little River in Perquimans County. Mr. Francis Nixon, after whom this locality is named transmitted the laws to the Proprietors.

As we would expect much of these acts is devoted to the subject of encouraging immigration and settlement.

As an encouragement to persons to come into the county they stay the hand of the court and bill collector for five years during which time, "Noe person transporting themselves into this county shall be lyable to be sued for any debt contracted or cause of action given without the county and that noe person living in this county shall on any pretence whatsoever receive any letter of Attorney, Bill or account, to recover any debt within the time above mentioned of a debtor living here without the said debtor freely consent to it."

And for this reason mainly the statement is made that our early settlers were thieves, rogues and vagabonds. It is enough to say in reply that Dukes, Earls, Lords and men of eminence on the Board of Lords Proprietors ratified this act twice and gave it their sanction. It happens, however, that North Carolina was neither the pioneer, nor alone in this kind of legislation. Twice her sister state, Virginia, in 1642, and in 1663 re-enacted such a law, and in 1683 and 1696 South Carolina passed similar acts.

You will find similar provisions in the earliest regulations in every effort at colonization. Georgia was founded in opposition to the known law of England—imprisonment for debt.

And to further encourage "the transporting of persons and their families into this county to plant and here seat themselves, they shall be exempted from paying levies for one whole year after their arrival. Provided always there be noe emergent charge which the Vice-Pallatine, Council and Assembly shall judge extraordinary."

And to prevent speculation in lands, and to encourage actual and bona fide settlers, it was provided that "noe person

or persons whatsoever shall make sale of their right or rights to land until he hath binn two complete years at least an inhabitant in the county."

The adventurous, the land grabber, met with small favor and they passed an act preventing the taking up of more than 640 acres in any one dividend. And to more readily secure permanence of settlement an act was passed requiring all persons who had made small clearings and quit them, to repair to the land within six months, and actually use and occupy them. In default of this the Governor and Council were to take possession, rent them out and collect the rents, and out of them first to pay the party abandoning the land for any improvements put upon them. The free booter does no such act of justice and equity.

For their own security and for promoting and maintaining their friendly relations with the Indians, an act limited the number and character of people who could trade and truck with these natives. The lawless would have considered the Indian a proper subject of pillage. They also provided for paying the Governor and his Council reasonable compensation and expenses and placed the burden upon those most able to bear it, as a part of the court costs.

The marriage law passed at this session has also been the subject of bitter reproach, although it simply authorized civil officers to celebrate the rites of matrimony. The law, it was said tended directly to gross immorality and vice. Experience has proven otherwise; it made marriage easy, but not divorce. The Virginia law required the marriage rites to be solemnized by a clergyman of the church of England, but as there were no clergymen of any sort in Albemarle, the present law was a necessity, bearing in mind at least St. Paul's wise injunction that "it is better to marry than to burn."

It is divorce, not matrimony, that tends to licentiousness.

It was marriage, not divorce that this law made easy. At this distance of time we can confirm the wisdom of the act by pointing to a pure and holy family status that obtains in North Carolina, not surpassed by any in the civilized world.

Permit one more reference to an act which shows that whatever our first settlers were, we their descendants now are. They were against trusts and combines. Hear them:

“Whereas divers adventurers have transported commodityes into this country which hath bin engrossed by some particular persons to retail again at unreasonable rates to the Inhabitants of this county to prevent which inconvenience for the future. It is enacted and be it enacted by the Pallatine and Proprietors by and with the advice and consent of this present Grand Assembly and the authority thereof that any person whatsoever within this county shall after the publication hereof presume to engross any quantity of goods from any adventurer to sell and retail again at unreasonable rates to the inhabitants shall forfeit for every such offence tenn thousand pounds of tobacco, the one halfe to the informer, the other halfe to the use of the Lords Proprietors.”

And to those who deny the right of our law-making power to change the burden of proof and make a presumption of guilt arise on certain academic facts let me commend the rule of evidence laid down. “And it is hereby further declared and enacted by the authority aforesaid that any person or persons that shall buy goods of any adventurer and retail the same, except he cann in tenn days produce to the vallew of said goods so purchased of his own proper Tobacco or Estate according to the bargain in kind, he shall be deemed an Ingrocer and proceed against as in this act for that case is provided.”

No, fellow-citizens, those men were the genesis of the present day North Carolina. Measure them by any of the standards that have obtained in estimating colonists, and we

are content. They were the first to firmly ask a redress of wrongs. They were the first to declare for freedom. They pursued with valor and ability every known method of men determined to establish an enduring government. Their descendants to-day are the purest Anglo-Saxons on the globe. The highest ideal of personal, mercantile and professional conduct still obtains among them. Now, as then, their legislation is responsive to the needs of the people. The source of this stream must have been pure.

## A GLIMPSE OF HISTORIC YORKTOWN

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BY MRS. HELEN DE B. WILLS.

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On October 19, 1909, the one hundred and twenty-eighth anniversary of the surrender of Lord Cornwallis to General George Washington at Yorktown, Virginia, that historic town was the scene of a memorable celebration, conducted under the joint auspices of the Descendants of Signers and the Yorktown Historical Society of the United States.

The Yorktown of to-day is a village of about one hundred and twenty-five inhabitants, "a relic of antiquity as well as a monument to American patriotism," as it has been called.

A large crowd was present on the occasion above mentioned than has been in Yorktown since 1881, when the monument which overlooks the village and its picturesque surroundings was unveiled—erected in honor of the famous surrender on the centennial of that event. The message conveying the news of the surrender from Yorktown to Philadelphia, then the seat of Government, took four days to go. To-day it might be sent the length and breadth of the United States in less than four minutes.

Situated on a hill overlooking the York River, a broad winding stream of blue water, this historic village is a beautiful and picturesque spot. Usually this stream is as barren of boats as the hillsides are of houses, but on this 19th of October, 1909, a flotilla of torpedo boats attached to the Maryland Naval Reserves rode at anchor on its bosom, appearing in gala decorations in honor of the occasion.

The lone dock at the foot of the hill swarmed with soldiers—five companies of artillery sent over from Fort Monroe to help in the celebration. These marched through the town,



House Where Cornwallis Surrendered, Yorktown, Va



colors flying and bands playing, while a procession of citizens led by a number of mounted horsemen and horsewomen with the Fort Monroe band and a parade of the school children of York County and town, made the streets lively. Lunch followed this demonstration, and at two o'clock the speakers' stand, erected in front of the historic old Nelson Mansion, was occupied by the orators of the day and members of the two patriotic societies.

Earlier in the day these societies had held business meetings in the Nelson house and elsewhere.

Now the school children gathered on the seats arranged for them, the military bands were also seated while banners representing the thirteen original States floated over the heads of the young singers. The children, with the band accompanying, sang "America" and other patriotic songs, at intervals, while the crowd of citizens of York County and elsewhere, stood patiently around listening to the speeches and the music.

A call to order by Dr. Henry Morris, of Philadelphia, President of the Descendants of Signers, was followed by an invocation by Rev. Donald C. MacLeod, of Washington, D. C.

An address by Dr. Morris was heard with marked interest and attention, and one by the Chairman, Hon. James G. Riddick, Mayor of Norfolk, Virginia, was also much appreciated.

After music by the children and the band, Colonel Oswald Tilghman, of Easton, Maryland, read the correspondence between General Washington and Lord Cornwallis concerning the surrender; also the articles of capitulation, and the official message from General Washington to the Continental Congress at Philadelphia, which was carried on horseback by Lieutenant-Colonel Tench Tilghman, the ancestor of the speaker, Colonel Oswald Tilghman, who gave an interesting address.

Music, singing by the children with accompaniment by the band, was followed by an impressive address by Hon. J. Hampton Moore, M.C., of Philadelphia, President of the Atlantic Deeper Waterways Association.

The exercises concluded with a benediction by Rev. George Washington Dame, S.T.D., Chaplain of the Descendants of Signers.

Succeeding these exercises the pleasure was enjoyed by the members of the two societies of making each other's acquaintance, and also of meeting members of the Nelson family, of whom many were present. The historic Nelson Mansion is preserved and used as a museum for relics and other interesting material contributed by members of the family and others.

The Yorktown Historical Society decorated us with their badges for this memorable occasion.

Only want of time prevented our closer examination of all the interesting places and things to be seen at Yorktown, and we left with the resolve to go again, if possible.

## COLONEL POLK'S REBELLION.

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BY CAPTAIN S. A. ASHE.

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The dramatic incidents in the proceeding of Mecklenburg County in May, 1775, were those in which Colonel Tom Polk was the chief actor. "Tom Polk has raised a pretty spirit in the back country," wrote the rebellious Sam Johnston to our Delegates in the Continental Congress; "He has gone farther than I would have chose to have gone," etc. Yes; certainly, it was Tom Polk, and well-known throughout the Province. The figure of the energetic Colonel, stirring up the people, and inciting them to rebellion, and, when all was ripe for action, calling for the election of two delegates from each of his militia districts, prepared to assert Independence and to ordain a rebel government, stands out boldly in the picture of that day, and challenges our admiration. In the scene, he is the central figure and around him cluster his lieutenants as he moves forward in the role of the rebel chieftain of his people. But in full sympathy with him are his patriot associates, among them being the scholarly Brevard who develops the system of government to supplant the cast-off British, and prepares the resolves to be ratified by popular action. At length the plan is evolved, the preliminaries arranged, the election held; the delegates meet, the Resolves are adopted. Independence is decreed, the old government is overthrown and a new one ordained; and the inhabitants with enthusiasm assent and ratify the action! As the occasion was great—so it was a great crowd that sent up a mighty shout when Tom Polk proclaimed Independence from the court-house door—for one-half of all the county were there, and their huzzas made the welkin ring, and hats were thrown high in the air.

And so the design was accomplished, and Colonel Polk's rebellion took form and shape, and a government by the people was ordained, which marked an advance far beyond the action of any other community.

In view of these known facts, is it not remarkable that in the account of the proceedings in Mecklenburg County, commonly accepted as a contemporaneous narrative of these proceedings, the name of Colonel Thomas Polk does not appear? Nor does that of Dr. Brevard appear; nor is there any mention made in that narrative of the great public meeting, or of the ratification by the inhabitants of the action of the delegation. Is it not remarkable that in that narrative of these proceedings there is nothing said about "Independence being proclaimed"? Surely these omissions remind one of "the play of Hamlet, with Hamlet left out." It is Tom Polk's rebellion with no mention of Tom Polk!

This first account, properly called the Alexander narrative, was published in the Raleigh Register in 1819. It was found in the papers of John McKnitt Alexander, who died in 1817; and his son, Dr. Joseph Alexander furnished it for publication. In it, the writer of it stated that Colonel Adam Alexander was colonel of the county and called the election; that Colonel Abram Alexander presided over the meeting, and that John McKnitt Alexander was clerk of the meeting. There was no mention of either Polk or Brevard. But the author of the narrative did not say that it was the original document prepared in 1775; nor did he say that it was even a copy of the original. On the contrary, he appended to it a certificate that the original was burnt in April, 1800, and that later during that year, he prepared this manuscript which therefore "might not literally correspond with the burnt original"—as it was written from memory. There was no mention in it of Colonel Polk's name; nor of Dr. Brevard's name; nor of any meeting of the inhabitants

and their ratification of the plan to establish a people's government founded on the will of the people.

How then has it happened that our literature has been enriched by some very eloquent descriptions of that remarkable scene—when the rebel Tom Polk proclaimed Independence? As portrayed by our historical writers we see Colonel Polk's stalwart form on the high steps of the famous courthouse—surrounded by a great concourse of hardy men, eager, excited, enthusiastic. We hear him read the resolves. We hear him proclaim Independence—we hear the shouts and huzzas of a thousand throats and witness a scene of remarkable enthusiasm—a scene for the brush of the painter, for the pen of the artist. But that dramatic episode—that great ending of the tense action of the leaders—that final accomplishment of their high purpose to start the ball of Independence—finds no mention in Colonel Alexander's narrative of these great and memorable proceedings. Certainly it is singular that what is commonly considered to be an account of the Mecklenburg Declaration omits the name of the chief actor, and also omits the important fact that the people endorsed, accepted, confirmed, ratified the proposed Independent government by a manifestation of their enthusiastic approval!

Among the many curious circumstances in our literature, this is indeed one of the most curious!

But notwithstanding these omissions in the Alexander narrative, it is now firmly fixed in our literature that Colonel Polk was the rebel chieftain, the patriot leader, and that he called the election, and, in one of the most dramatic scenes ever enacted, proclaimed Independence.

In view of these circumstances it is interesting to observe the changes which have taken place in the accepted version of these historical proceedings.

Immediately following the first publication of the Alexander narrative—1819—Colonel William Polk, then resid-

ing in Raleigh, wrote to old men in Mecklenburg to get their statements about these memorable events. In a general way they confirmed the statement that in May, 1775, Mecklenburg declared Independence. Some said that Colonel Polk was colonel of the county and called the election—and not Abram Alexander. Also they gave an account of the great meeting, at which Colonel Polk proclaimed Independence and of the popular ratification.

Judge Murphey was gathering material for a history of the State, and at his invitation Colonel William Polk prepared a narrative of the proceedings in Mecklenburg, in which he incorporated the Alexander narrative, published in 1819, altered, however, to make it conform to the statements of the other witnesses—that it was Colonel Polk who called the election; and also making reference to the great and enthusiastic ratification meeting.

Judge Murphey, who was an accomplished writer, dressed up Colonel Polk's narrative, slightly changing the language here and there, and introducing expressions of his own. And so it came about that in 1821 the historical version was modified making it conform in some details to the statements of the witnesses made in 1820. Eight years later, in 1829, Judge Martin published in his history of the State a document that followed closely the narrative prepared by Colonel Polk and dressed up by Judge Murphey. The fundamental basis of all was the Alexander narrative, but the Martin document differed from that in some particulars, and was copied from the Polk and Murphey narratives.

In 1830 other witnesses likewise made statements; and in 1833 the Legislative Committee published "The State Pamphlet." In this there was a reproduction of the Alexander narrative as published in 1819, modified by some verbal changes made Dr. Joseph Alexander, who held the manuscript papers of his father. And particularly is it

noted that in this publication, it is said that Colonel Polk called the election—not Adam Alexander as was stated in the narrative published in 1819. But the Legislative Committee did not stop there. They brought forward in the “State Pamphlet” all the testimony given by the witnesses in 1820 and 1830. And as the Legislative Committee corrected the “original proceedings” published in 1819, our historical writers have made further corrections and have interwoven into the account of the proceedings such facts and circumstances as the evidence of the witnesses warrants. Thus despite the fact that the Alexander narrative does not mention Colonel Polk’s name at all, and that the account given in Martin’s history does not mention that Colonel Polk proclaimed Independence—our historical writers brushing aside these accounts, give him all credit for both, and it is now firmly established that the proceedings in Mecklenburg were in truth and indeed Colonel Tom Polk’s rebellion and that he was the leading actor in it.

## WAS GEORGE DURANT ORIGINALLY A QUAKER?

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\*DULUTH, MINNESOTA, April 23d, 1910.

CAPTAIN S. A. ASHE,  
Raleigh, N. C.

DEAR SIR:—I was interested in your brief sketch of George Durant, which appeared in the current April number of NORTH CAROLINA BOOKLET.

At page 215 you say that George Durant was married in Northumberland County, Virginia, by Reverend David Lindsay; "but whether Parson Lindsay was of the Church of England or not is now unknown."

If Durant were a Quaker and married by a "priest," he would have been "disowned" by the meeting of Friends to which he belonged. The Reverend David Lindsay was a "priest" within the meaning of the term as used by the Quakers, being an Episcopal clergyman of the original Wicomico Church of Northumberland County, Virginia. The first Reverend David Lindsay, Minister of Leith, suburb of Edinburgh, Scotland, was Bishop of Ross. He was the son of Alexander Lindsay, of Edzell Castle, who was the son of David Lindsay, eighth Earl of Crawford. Reverend David Lindsay, Bishop of Ross, was chaplain for King James I of England and VI of Scotland. He accompanied King James on his matrimonial voyage to Denmark and performed the marriage ceremony. Bishop Lindsay baptized King Charles I and his brother, Prince Henry. He was succeeded by his son-in-law, Archbishop Spottswood, the King's Primate, and in the ministry at Leith he died in 1613.

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\*This letter from a subscriber of THE NORTH CAROLINA BOOKLET relates to the article in the April issue by Captain S. A. Ashe, and is of such value it is given here in full—EDITOR.

The Bishop of Ross left two children, a son and a daughter. The son was Sir Hierome (or Jerome) Lindsay. Upon the marriage of the latter with his cousin he became Sir Hierome Lindsay of the Mount and was appointed Lord Lion King at Arms, he being the fourth and last of the Lindsays to hold this office. The daughter of the Bishop of Ross married Archbishop Spottswood, the historian and divine. She was the grandmother of Governor Alexander Spottswood, of Virginia, ancestor of General Robert E. Lee, the Nelsons, etc.

The following record of the baptism of David Lyndsay, first son of Sir Hierome (Jerome) Lyndsay, will be found in the South Leith Church records at the Register House, Edinburgh, Scotland:

"Jerome (or Hierome) Lyndsay and Margaret Colville, their infant, baptized David, 2d January, 1603.

"Witness—1, David Lyndsay, of Edzell, Kt.; 2, George Ramsay, of Dalhousie; 3, Mr. David Lyndsay." (See "Lives of the Lindsays" by Lord Lindsay, published in London, 1849 and again in 1857; "The Lindsays of America" by Margaret Lindsay; *Virginia Magazine of History and Biography* and *Baltimore Sun*, 1906.)

On the plantation of Mrs. W. F. Basye, of Cherry Point, Northumberland County, Virginia, there is a burial place where the remains of the Reverend David Lindsay were laid to rest. A tombstone was raised to his memory bearing the following inscription:

"Here Lyeth Interred Ye Body of That Holy and Reverant Devine, Mr. David Lyndsay, Late Minister of Wicomico Church, Who Was Born in ye Kingdom of Scotland, First and Lawfull Sonne of ye Rt. Honorable Sir Hierome Lyndsay, Knt. of Ye Mount, Lord Liu King at Armes, Who Departed This Life in the 64th Year of His Age the 3d Aprill. Anno Dom. 1667."

A copy has been preserved in the family for several generations.

In 1702 his grandson, Captain Thomas Opie, was buried in the same grave. At a later date, because the former stone was beginning to crumble, the following inscription was carved on the slab which bore the name of Captain Opie:

"Here Lyeth the body of Mr. David Lyndsy, Doctor of Divinity, who departed this life the 3d day of April, 1667."

In 1906, a part of the stone first mentioned was discovered beneath the surface of the earth near the grave of the Reverend David Lindsay and upon being freed from soil was photographed disclosing much of the inscription first above quoted, and the family coat of arms.

The facts last stated can be verified by Mr. W. F. Basye, of Cherry Point, Northumberland County, Virginia, by Wm. S. Cralle, Clerk of Court and Notary Public, by Mr. A. B. Garner, Justice of the Peace for said county, and by Mr. W. Dade Hempstone, Clerk of the Circuit Court of Loudon County, Virginia, who saw and examined the older stone..

The will of the Reverend David Lindsay was dated 2d April, 1667, and was proved and recorded in Northumberland County, 8th of April, 1667. In it he refers to himself as follows:

"I, David Lindsay, Minister of God's word in Virginia."

It is quite clear from the antecedents of the Reverend David Lindsay and the inscription on his tombstone above quoted that he was an Episcopal clergyman and it is not improbable that George Durant was a member of the same church. It is extremely improbable that George Durant was a Quaker at the time of his marriage.

It would perhaps be difficult to say from what family our George Durant descended, but in 1627, the Reverend George Durant was incumbent of Blockley in Shropshire,

England, and Reverend Robert Durant, of Hagley, in 1706; the latter was succeeded in the rectory of Hagley in 1732 by the Reverend Josiah Durant and he, in 1764, by the Reverend John Durant.

In 1765, General George Durant, M.P., of Clent, in Shropshire, purchased Tong Castle in said county. His son, George Durant, of Tong Castle, was born in 1776.

The pedigree of the Durants was entered at the Visitation of Hants, England, in 1634, but terminates with Thomas Durant, 7 Edward III (1334). A pedigree of the same family was entered at the Visitation of Rutland in 1618. (The Heraldry of Worcestershire.)

In the eighth year of Henry VI (1430), one, John Durant, was Lord of the Manor of Barcheston in Warwickshire, England. He was succeeded by Thomas Durant and the latter by William Durant. The son of the latter, Henry Durant, disposed of the property by deed, 14th September, 23 Henry VII, (1508). Dugdale's "Warwickshire," first edition, pp. 455-6.

I trust that the foregoing notes may be of some assistance in solving the much-mooted question whether George Durant was or was not a Quaker.

It is to be regretted that there is not in each State of our country a society such as that publishing the William Salt Collections in Staffordshire, England. Every shred of information should be secured and preserved now for the future historians who will bitterly censure us for our neglect and loss of most precious materials.

Magazines of the character of the *New England Historical and Genealogical Register*, the *Virginia Magazine of History and Biography* and the *William and Mary Quarterly*, are of great value in this direction. Your State is rich in materials but I fear they are not being cared for properly. The suspension of the *North Carolina Register* was a public calamity.

Sincerely yours,

WM. B. PHELPS.

# INFORMATION

## Concerning *the* Patriotic Society

### "Daughters of the Revolution"

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

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### "The North Carolina Society"

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

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### Membership and Qualifications

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

The chief work of the North Carolina Society for the past 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.

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OCTOBER, 1910

No. 2

*The*

# NORTH CAROLINA BOOKLET

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

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Published by  
THE NORTH CAROLINA SOCIETY  
DAUGHTERS OF THE REVOLUTION

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

EDITOR.

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## THE HISTORY OF ORANGE COUNTY—PART I

BY FRANCIS NASH.

### EARLY HISTORY OF THE PEOPLE OF ORANGE COUNTY.

In its genesis, Orange County, like the earth, was without form and void. Created by an act of the Assembly in 1752, its outlines were so indefinite, that no man might know where they were, and for the next two or three years the Assembly was engaged in fixing or moving these lines, after all, to have the whole matter disallowed in England.

The original act (23 S. R., 383) made the county boundary commence "in the Virginia line at a point where Hyco Creek was nearest to it, thence directly to the Bent of the Eno river below the Occaneechas, near to the plantation where John Williams now dwelleth," thus leaving what is now Hillsboro in Granville County. The line then ran down the south banks of the Eno and Neuse rivers to the mouth of Horse Creek, thence in a direct line to the intersection of Earl Granville's southern boundary with the Cape Fear River,  $35^{\circ} 34'$ ; thence along said boundary to the Anson County line (half way between the Cape Fear and Yadkin rivers, 23 S. R., 343); thence northwesterly along the Anson line. The next year, 1753, the east boundary of the county was moved further east by running a direct line from the Virginia line 25 miles west of Harrisburg, the county seat of Granville, to the Neuse River. (23 S. R., 390-1.) At the same session, the west boundary of Orange was made more definite by the creation of Rowan County, and making its east boundary a direct line from Earl Granville's line, where the Anson line crossed

it, to the Virginia boundary. (23 S. R., 390.) Thus the original county of Orange contained parts of what are now Wake, Randolph, Guilford, and Rockingham counties, and the whole of what are now Durham, Person, Caswell, Alamance, Chatham, and Orange counties. The acts of the Assembly establishing the county of Orange (and others) were disallowed in England and repealed by proclamation as well as by act of Assembly (5 C. R., 1111, and 23 S. R., 446-7). They were, however, re-established in 1756. (23 S. R., 470-1.) In 1761 the east line of the county was straightened by beginning at the southwest corner of Granville and running thence a due south course to Johnston or Cumberland County, whichever line it may first intersect. (23 S. R., 547-8.) In 1771, Guilford (east line 25 miles west of Hillsboro 23 S. R., 823); Chatham (north line 16 miles due south of Hillsboro *Idem*, 827); and Wake (23 S. R., 819) were established. In 1777, all that part of Orange lying north of a point just 12 miles north of Hillsboro was erected into a county and called Caswell. (24 S. R., 24.) Even after all this pruning Orange remained still a large county, 28 miles north and south by 45 east and west. It is with this territory and its inhabitants that this sketch is principally to deal.

During all this period of doubt and confusion as to the corporate existence of the county, the County Court continued to meet and administer justice between man and man. The first court, Laurence Bankman, Andrew Mitchell, James Dickey, Mark Morgan, John Patterson, John Pittman, Marmaduke Kimbrough, and Joseph Tate, justices presiding, Alexander Mebane, sheriff, and Richard Caswell, clerk, met at the house of John Gray, on Eno, in June, 1752. The court-house was first located on the north bank of Haw River at Piney Ford, within fifteen miles of the west boundary of the county. Finding, however, that this was too far to the west, the court fixed its meeting place at the house of James

Watson, situated just east of where the present court-house stands in the town of Hillsboro. The Assembly, in 1754, reciting that the court-house had been located too far to the west, directed that it, with prison and stocks, should be located on, or near, where the western path crosses the Eno River on a piece of land on which James Watson then lived. (Martin Private Laws, 18.) This was the beginning of Hillsboro. In 1766 the Assembly required that the courts of the county, the offices of county officials and the election of representatives and vestrymen should always be held there. (*Idem*, 47.) In 1768 the Province was divided into six judicial districts, and of these was the Hillsboro district, composed of Granville and Orange counties, with the court to be held at Hillsboro on the 22d of March and September of each year.

The subject of the disagreement between the government in England and the Colonial Assembly in the creation and enfranchisement of the new counties is treated fully in Ashe, 284-8, and I need not elaborate it here. Suffice it to say, that the British Government insisted that the enfranchisement of counties and boroughs was one of the prerogatives of the King, and could not be assumed by the Colonial Assembly. That body finally yielded, and Orange County was enfranchised, with the right to send two members to the Assembly, in 1760. William Churton and Thomas Lloyd were the first representatives, and they appeared in March, 1761. William Churton, one of Earl Granville's surveyors, and the founder of Salisbury and Hillsboro, was Register of Deeds in Orange County. He afterwards returned to the eastern part of the province and, I believe, died there. Thomas Lloyd was a Welshman, and a man of culture and ability, who had recently settled on a place called the Meadows, nine or ten miles south of the county seat. Up to the Revolutionary War he was the most prominent man in the county. He died early in 1792, and to the present day has many descendants in Orange and elsewhere, Lloyds, Hogaus, Osbornes, etc.,

including Mr. Stevenson, Vice-President during Mr. Cleveland's second administration.

The physical features of Orange County constituted it one of the most beautiful sections of North Carolina. Watered abundantly in its west by the Haw and its tributaries, in its north, center and east, by Eno, Little and Flat rivers, and their tributaries, and in its south, by New Hope Creek and its tributaries, it was an ideal range for the early settlers' horses and cattle and hogs. Speaking generally, it was a country of high hills and narrow valleys, with here and there gray, gravelly ridges, or elevated plateaus with much intermixture of sand with clay. The valleys were always fertile. The hillsides and tops and sandy uplands were only moderately so, while the gravelly ridges were generally poor and non-productive. Throughout all this territory, except on the poorer ridges, the forest growth was magnificent, with the oaks predominating. The soil seemed peculiarly adapted to the flourishing growth of all the hard wood, deciduous trees. Oaks four feet in diameter at their base were not uncommon, and occasional specimens six feet in diameter were found. Along the streams these oaks and hickories, birches, beeches, poplars and sycamores towered high, and the elm and the maple attained unusual size and unusual magnificence of foliage. There are remains of these forests to-day, which testify to their pristine grandeur. I have not seen anywhere finer specimens of the white oak, the beech, the cedar, and the maple, than we now have in Hillsboro. The large leaved elm, with fair opportunity the most perfect of shade trees, with its 100 feet spread of foliage, has, alas, been destroyed, in the past ten years, by an insect or blight. In the Dark Walk, too, on the south bank of the Eno, are stately oaks, hickories and poplars, which with their long, straight stems and crowns of foliage, lift themselves high in the air. On New Hope Creek in southeast Orange are acres and acres

of original forest growth, which if visited would prove a revelation to the city dweller. Astonishly straight, smooth boles of white oak, hickory or poplar, crowded together, elevate their fronds high in search of sunlight, the billows of their foliage making dense shade below. Nowhere else can one obtain so clear a conception of the immense toil that confronted the early settlers when they came to make a home in this wilderness. It involved more than a contact with nature. It was a wrestling with it, as Jacob wrestled with the Angel of the Lord, and would not let Him go until the blessing had been bestowed.

All this territory was a paradise for the hunter and trapper, abounding in bear, deer, beaver, wild turkey and all the smaller varieties of game. It was the habitat and hunting grounds of the Haw, the Enoee and the Occoneechee Indians. The latter tribe's principal village was located just south of the Occoneechee Mountains. Quite a pretty tradition is told as coming from that tribe. As it concerns a locality with which this sketch is to deal, I give it for what it is worth. It may be entitled "The Maiden and the Birds, or, How the Redbird Obtained His Coat, and the Wood Thrush His Song." The Occoneechees were really a sept or clan of the Cherokees, and not a distinct tribe. They were never warlike, relying when too hard pressed by the Tuscaroras on the east and the Catawbias on the west, more on the protection of their powerful kinsmen, the Cherokees, than on their own prowess. They cultivated the soil much more extensively than did the other Indians of the period, and their dwellings were more comfortable and their towns better situated. Hospitality to the stranger was a tenet of their religion, and they welcomed all who came in peace with open hands. Their women were famed for beauty, and their men, though somewhat contemned for their unwarlike spirit, were noted hunters. Long anterior to the coming of the white man, there

was a village of these people just south of the Occoneechee Mountains. In that village was a maiden celebrated in all the land for her modest and gentle beauty. Her name was Ulalee, or the Wood Thrush, and she was a daughter of the chief. From her childhood she seemed to have an almost miraculous control over all birds. She knew all their habits, could imitate all their notes and never went abroad without being attended by them. Instead of fearing her, they were all emulous to attract her attention and fought for the privilege of being first stroked or petted by her. Especially was this true of a brown-backed, gray-breasted, bird, of the same size and shape as our cardinal grosbeak, or red bird. This maiden had many suitors, but cared for none of them. Her father had, however, contracted her to Oneluskee, a young warrior of her own tribe. She did not object to this, because she liked him. She did, though, want further time before assuming her duties as wife. The marriage, then, was postponed for a year, and meantime she was to be free to go and come as she chose.

About a mile from the village was a spring, beautifully located and said to have healing qualities. Here was the favorite resort of this wood nymph of the Occoneechees. There she would sit for hours attended only by the birds that, at her call, came from all the neighboring trees and bushes.

A day in May, as she was seated near the spring, young Kanandagea, of the Tuscaroras, on his first warpath against the Catawbas, came suddenly upon her. Now this young Indian Apollo was as famous for manly beauty among the Tuscaroras, as Ulalee for the softer beauty of women among the Occoneechees, and the two tribes were at peace. The young girl was not then alarmed at his advent, but welcomed him with graceful courtesy, and the two talked long. It was a repetition of the old story, one in which man is never so

savage, or so civilized, that he may not be an actor in it. The young warrior washed the war paint from his face, and instead of outlying about a Catawba village for a scalp, he outlay about the Occoneechee town for love. At this spring they met day by day, and the birds became almost as fearless of him as of Ulalee. One day they were sitting there, he whispering into her ear some pleasing story, which she answered by a bright glance of her dark eye and low, rippling, musical laughter, when Oneluskee came upon them. With one glance he knew all, but he greeted them with calm, stately courtesy and passed on. For the first time the young girl realized the danger of her situation. She loved the Tuscarora, but was contracted to Oneluskee, and unfaithfulness to that contract, according to the laws of her tribe, was death. Kanandagea urged her to fly with him at once, but she was unwilling to leave her tribe and her home, which she loved, without bidding them, at least, a silent adieu. She would meet him at the spring the following day, and then his people should be her people, and his God her God. When she returned to the village she met Oneluskee. He made no allusion to what had occurred, but treated her with his usual deferential tenderness. Everything about her, her tribe, her home, her family, the woods and the birds, had become so much a part of the very being of this artless child of nature that it was hard for her to give them up even for love, but the next day she was at the spring an hour before the appointed time. Oneluskee followed her there, and she greeted him with a quiet smile as he took his seat by her side. She was glad that he had come, for she believed him to be magnanimous and generous and her true friend, and she wished to tell him that she loved the Tuscarora and was to be his bride. He heard her story to the end without interruption, then he made no protestations of his own love, did not urge her to give up the Tuscarora. Instead he told

her that, according to their customs, she was already his lawful wife; that he had given her respite for a year that she might better fit herself to become such; that she had been unfaithful to him, and therefore she must die. She looked appealingly into his face, but could see no relenting there, so, without a word, bowed her head as he plunged his knife into her heart. He left her there, and her heart's blood, mingling with the little spring stream, discolored it. The birds, frightened away by Oneluskee, returned as he departed, and instead of singing their sweetest songs, uttered their harshest cries of alarm as they fluttered about the dead girl, except the bird with a brown back and a grey breast. He bathed and slashed in the discolored water, while his mate put her feet and bill in it, and sprinkled a little on her breast and on the tips of her wings. That is why the red bird is red now and his mate is not.

An hour after, the Tuscarora came for his bride and found her bleeding corpse. He took it in his arms, carried it to the village, and demanded justice upon the murderer. Oneluskee, before the elders, confessed the deed, and justified it from their immemorial customs. They sustained the defense, but admitted the right of the Tuscarora to single combat. They fought in the presence of the whole tribe, a duel long remembered in tradition, and the Tuscarora conquered. At his request he was adopted into the tribe. Ever after, attended by the birds she had loved, he lived a hermit life in the forest where she had roamed. A huge, time-scarred oak once stood within a few hundred yards of this spring. It was blown down in a great September storm some years ago. There, it is said, was his wigwam, and there, after living to a great age, he died and was buried. And to the present day his spirit and her spirit haunt this spring, and all through the woods, in spring and summer. one may hear the wood thrush calling Ulalee-e-e.

I do not vouch for the historical verity of this tradition, but it is, perhaps, well to preserve it.

The hunter and trapper were the first white invaders of this wilderness. Then came, that ever moving advance guard of civilization, the pioneer, with his pack horse, his cooking utensils, his weapons, a little salt and his wife and children. A small clearing was made in the forest, a log hut built and corn planted. The abundant game would supply his family with meat, the corn patch with bread. One of the earliest of these pioneers was an Englishman, named Alleman, who settled on a creek in what is now Alamance County, and, the writer believes, gave his name to that creek, and hence to the county itself. Then the tide of settlers commenced to flow this way, until the county became dotted here and there with little communities, only to be found by following trails which they had blazed through the forest. All north of 35 degrees 34 minutes being Earl Granville's grant, his surveyors followed hard upon the footsteps of the pioneers.

Pioneers began to locate in Orange as early as 1740, but the great army of settlers began its inflow in 1750 and continued until 1770. Of these the more numerous were the Scotch-Irish, Quakers, Germans and Welsh from Pennsylvania, and the English from Virginia and the eastern counties of the province. As to the Scotch-Irish I take the liberty of reproducing what I wrote three years ago:

#### THE SCOTCH-IRISH.

"Buffalo,<sup>1</sup> Alamance,<sup>2</sup> Hawfields,<sup>3</sup> Eno,<sup>4</sup> Little River,<sup>5</sup> and New Hope<sup>6</sup> were the principal Scottish-Irish settlements of Orange County in the period extending from 1755 to 1770. Buffalo and Alamance are now in Guilford County, while Hawfields is in Alamance. New Hope is an offshoot from

<sup>1</sup> Organized in 1756; <sup>2</sup> 1762; <sup>3</sup> 1755; <sup>4</sup> 1755; <sup>5</sup> 1761; <sup>6</sup> by 1765.

Hawfields, and Little River from Eno. There were two or three smaller settlements in the territory then known as Orange, notably, one on Hyco Creek<sup>7</sup> and one on Country Line Creek, both in what is now Caswell County. The Eno settlement was, however, more distinctively a Scotch-Irish community than any of these. The predominating element in the population of the territory bordering on the Virginia line was settlers from Virginia. The Hyco and Country Line communities to a great degree, and the Alamance and Buffalo communities to some extent, were in the very midst of these Virginia-English. With Eno it was otherwise. That was made up almost exclusively of Scotch-Irish settlers from Pennsylvania. That community, then, furnishes the best example of the Scotch-Irish community in Orange County.

"The Eno River has its source in a spring near the northwest corner of the present county of Orange. It flows in a general southerly direction until it reaches the Occoneechee Mountains. These deflect it to the east. The distance from its source in a direct line to the mountains is less than fifteen miles, yet there we find it a tiny trickling rill, while here it is a rapid-flowing stream, forty feet wide by three or four deep. Numerous brooks, or brooklets, or spring branches have discharged their waters into it since it began its journey to the sea and have made of it a small river. This shows how well the section through which it flows is watered. It is a country of hills and valleys, too. In 1750 huge forests spread in billows across the tops of these hills and down their sides and over the valleys. Along the creeks and larger brooks were to be found rich bottom-lands, needing but to be cleared and planted to yield abundant harvests.

"This section, too, was exempt from Indian raids. The only tribes remaining in the limits of the province of North

<sup>7</sup> Organized as "Middle Hyco" in 1755. I am indebted to D. I. Craig, D.D., for these dates. F. N.

Carolina at this period (1750-55) who were at all formidable were the Cherokees and Catawbas. The latter tribe was fast disappearing, from disease and contact with the whites, and the Cherokees were formidable only to the scattered settlements outlying towards their own hunting-grounds. So safety, fertility, convenience and a mild and healthy climate all invited the adventurous Scotch-Irish of Pennsylvania to this section.

"It is probable that one or two families had already settled there as early as 1745, but the migration was at its flood-tide from 1750 to 1775. These immigrants were by no means pioneers, blazing the way for permanent settlers to come after them, but they were citizens of one province moving to another to improve their condition. They had already accumulated some property, owned lands and horses, cattle and sheep. They came from Lancaster, Chester, York, Berks, or Bucks Counties, Pennsylvania.

"Let us take one family as a sample and follow them in their migration. The winter of 1750-51 had been severe in Berks. A killing frost had come unexpectedly early and had seriously damaged the crops of Mr. T. His oldest child had sickened and died with pneumonia, and his wife had been desperately ill. He had heard of the success of some of his neighbors in the beautiful and fertile Valley of Virginia, but the bloody-minded Shawnees were on the warpath and were threatening the outlying settlements. Some of his acquaintances in Bucks County, however, had pressed on further south to the province of North Carolina, had settled on the Eno River and had sent back glowing accounts of the climate and of the country. He determined to go himself and spy out the land with a view of moving his family to a less hostile climate. In the late fall or early winter he sets out on horseback for this distant land of promise. Bearing to the west that he might strike the streams and rivers

where they are fordable, he passes across Maryland and through the Scotch-Irish settlements in the Valley of Virginia, and, after the lapse of about thirty days, enters North Carolina, into what is now Caswell County. He pauses for a while, perhaps, with the scattered Scotch-Irish on Hycoc Creek, but finally rides on to the Eno River.

"He is pleased with the country, selects his future home, sends for William Churton, one of Earl Granville's surveyors, and has it surveyed. After this is done he pays Churton his fees for the survey and also three shillings sterling,\* consideration money for the deed which Churton is to procure for him from Francis Corbin, one of Earl Granville's agents, and have ready for him on his return with his family from Pennsylvania. Then, with the aid of the neighbors, he builds a log cabin on a suitable site, and, with the same aid, clears and fences a small parcel of land near it. The spring advancing, he plants corn in this little clearing, and, leaving it to care for itself, he returns to Pennsylvania for his family. There he sells all property which he can not carry with him to North Carolina, purchases three or four strong, sturdy horses, if he does not already own them, or, perhaps two yoke of oxen and a heavy, unwieldy but commodious wagon. In this are to be carried the household goods, and in it, the wife and younger children are to sleep. A milch cow or two are to be tethered to its axle, and perhaps a small flock of sheep are to be driven by the larger children behind it. When all is in readiness for their departure there is a public meeting held in the school-house of the district, for the people are unwilling that they should leave without some testimonial of their regard. A paper drawn up by the school-master is adopted and delivered, signed, to the emigrants. This I copy from the yellow and time-stained original. It is preserved in the family as a precious heirloom:

\*In addition an annual quit rent of three shillings sterling.

*“To all persons whom these shall concern—*GREETING:  
Whereas, T. T. and Ann, his wife, the bearers hereof, are determined, God willing, to remove with their family in order to settle in some parts of his Majesty’s new settlements, and as divers of us have been well acquainted with them from their early youth, we do certify you that they are of a sober, honest, peaceable and good behaviour and are about to depart in the good esteem of the neighborhood and acquaintances in general. Therefore, as such we commend them to the favorable reception of those among whom it may be their lot to sojourn and settle, heartily wishing their prosperity and welfare on all accounts.

“In testimony whereof, we, their friends and neighbors, inhabitants of the township of Heidelberg and places adjacent in the county of Berks, in the Province of Pennsylvania, have hereunto set our hands, the 14th day of May, Anno Domini 1752.’ Then the signatures follow.

“They commenced their long and tedious journey soon after this paper was given them. All along the way Sunday was to them a Sabbath of rest, and probably of praise and thanksgiving. During the week-days they made on an average ten miles a day, so they would arrive at their new home about the first of August. As they would pass through the settlements in Maryland and Virginia, they would be met with words of cheer, and there they could replenish their supplies of food. When, wearied and footsore, they arrived at the end of their long journey, the neighbors flocked to welcome them and to aid them in establishing their new home. That home was established about eight miles north of the present town of Hillsboro, and is still in the possession of some of the descendants of the original owners.

“This family is a type of the Pennsylvania Scotch-Irish settlers. Many others came in the ensuing five years, quite often several families joining in the migration, and Eno

soon became one of the most thickly settled sections of Orange County. By 1755 they had built a log school-house and church, seven miles north of Hillsboro. At this church, or rather school-house, for it was never dedicated as a church, Rev. Hugh McAden preached as he journeyed through the country in 1755. In the same year there was a regular Presbyterian Church organized there, and soon after a frame building was erected, the log house continuing to be used as a school-house. The church organization exists to the present day, being now 160 years old, but in the spring of 1895 a forest fire destroyed the old church building, and the new one was erected at the village of Cedar Grove, some miles off. At the old site, however, there is a very large and well-filled graveyard, in which four generations of Scotch-Irish have been buried.

"The church and the school-house have always been, and always will be, the mainstay of this admirable race. They realized, as few other races of men have realized it, that the church without the school-house was a fosterer of superstition, while the school-house without the church was a promoter of irreligion and infidelity. So, close by their churches they built their school-houses, and over the doors of both they inscribed in living letters, 'The Lord He is God.' This, it seems to me, is the key to their character and the secret of their greatness.

"The criminal records of Orange County, from its organization to the present day, show that there was less immorality and crime among the Scotch-Irish than among any other class of people within its bounds. At all periods of its history they have been most valuable citizens. But this is not all. Their sons have gone out into many other States, carrying with them the respect for law, morality and religion which characterized them at home. Many of them have attained distinction in the various walks of life, and all of them have been useful men and women."

Hawfields, or Haw Old Fields as it was at first called, had certain unique characteristics, which make it worthy of a more extended notice. Here had been the home of the Saxapahaw Indians. These Indians, like nearly all the tribes in central North Carolina, were less nomads and more agriculturists than the northern and western tribes. These old fields had been cleared by them and cultivated by them. Thirty thousand acres of these lands were patented by Edward Mosely. From him they passed to Governor Burrington, and from him to Samuel Strudwick in the manner set out in "Hillsboro, Colonial and Revolutionary," page 95 *et seq.* As early as July 20, 1731, Colonel Byrd wrote to Governor Burrington of them (3 C. R., 194), "But no place has so great a character for fertility and beauty of situation as the Haw Old Fields." The Scotchman had lost none of his cannyness from his temporary abode in the Emerald Isle, or his pausing for a few years in the colony of Pennsylvania. When he came south, then, he generally selected the best lands in the section wherein he located. Hawfields early attracted his attention. The Mebanes and others located there certainly as early as 1745, and possibly earlier. The activity of the northern and western Indians, in the period commencing in 1750 and ending at Braddock's defeat in 1755 not only vastly increased the migration from Pennsylvania, but also from the Valley of Virginia, to North Carolina. It was during this period that the Hawfields and the region about it was settled. When Mr. Strudwick arrived in this country, October, 1764, he found much of the land obtained by him from Burrington already occupied. He immediately set up his claim, with the result that titles were so unsettled in the Hawfields, that many of the inhabitants, such as the Craigs, Blackwoods, Freelands, etc., removed to New Hope.

The Hawfields were on the east side of Haw River. The

Quakers and Germans, however, settled on its west side, the Quakers on Cane Creek and the Germans, in the region of Stinking Quarter, and Alamance Creeks. The Quakers had erected their meeting house on Cane Creek as early as October, 1751, there being thirty families in the settlement. (Records of Cane Creek Meeting at Graham, N. C.) The Quakers, however, were not confined to this locality. There was a settlement of them north of Hillsboro, and there was a number of families in the town and east of it. The German settlement, or Dutch, as it was universally called by others of the county, was not large, and it was segregated by its language and the habits of the people themselves. They took little or no interest in public affairs, had their own preachers, who preached to them in the German language, and their own church, which was situated on the neck of land between Stinking Quarter and Alamance Creeks.

Further west on Sandy Creek, the home of Herman Husband, Baptists from Virginia, under Shubael Stearns, organized a church and erected a meeting house in 1755. (5 C. R., 1167.) "These new comers found the inhabitants about their colony grossly ignorant of the essential principles of the Christian religion. They knew something of the form of godliness but nothing of its power. They thought that religion consisted only in the practice of its outward forms, they knew nothing of conviction and conversion, and to be able to ascertain the time and place of this wonderful miracle was to them equally wonderful. The new preachers' style of preaching was to them also very novel. They had acquired a very warm and pathetic address, accompanied by strong gestures and a regular tone of voice. Being often deeply affected themselves when preaching, corresponding affections were felt by their hearers, which was frequently expressed by tears, trembling, screams and exclamations of grief and joy." "Very remarkable things," said Morgan Edwards in

1775, "may be said of this church. It began with 16 souls, and in a short time increased to 606, spreading its branches to Deep River and Abbott's Creek, which branches are gone to other provinces, and most of the members of this church have followed them; insomuch that in 17 years, it is reduced from 606 to 14 souls." It is interesting to note that these early Baptists administered the following rites: Baptism, the Lord's Supper (once a week), Love Feasts, Laying on of Hands, Washing Feet, Anointing the Sick, Right Hand of Fellowship, Kiss of Charity and Devoting Children. The latter rite was thus performed: "As soon as circumstances would permit, after the birth of the child, the mother carried it to the meeting, when the minister either took it in his arms or laid his hands on it, and thanked God for His mercy, and invoked a blessing on the child, at which time it received its name. This rite, which by many was satirically called a dry christening, prevailed not only in the Sandy Creek Association, but in many parts of Virginia." (5 C. R., 1172.)

The Welsh settled in Orange, south of Hillsboro and between that town and the Chatham County line. The number of these was small, but they were unusually intelligent, and have still many descendants.

The English, however, constituted a majority of the settlers in 1755. Communities composed almost wholly of them could be found along the Virginia line and in the eastern part of the county, besides individual families nearly everywhere. There were 950 taxable white polls in the county in 1755, and 50 negro polls, indicating a population of about 5,000. The negro slaves were the property of the English. (5 C. R., 575.) It is interesting to note that at the same period Granville, settled almost wholly by the English, had 779 white polls and 426 black polls. So though the population of Granville exceeded that of Orange by 1,000,

that excess, and more, was entirely negro. Again, Granville had 734 militia out of her 779 white polls, while Orange had only 490 militia out of her 950 polls, thus indicating a large proportion of non-combatants, Quakers and others, in the latter county. (*Idem.*) It was, too, then, as it has always been, a country of small farmers. Of course social conditions were exceedingly primitive and crude, and, if we are to believe some of the itinerant Church of England missionaries who visited this people, in some sections, rough and rude. Especially was this true of the English population. The Scotch-Irish and Quakers have been at all periods of their history strictly upright, honest and moral.

With the organization of the county seat in 1754, its growth and change of name to Childsburg in 1759, and its continued growth and second legally authorized change of name to Hillsboro in 1766, and Governor Tryon's patronage, there was collected a body of men of sufficient culture and intelligence to make them distinctively the most influential class in the county—merchants, attorneys and county officials. The governing body of the county, however, that which not only administered justice between man and man, but managed its finances and controlled its internal affairs, was the County Court, and that was composed of justices selected from all sections of the county. So well did this system suit the genius of our people that it continued in force, with very little or no modification, until after the Civil War, when aliens, usurping the government, abolished it in 1868. The representatives in the Assembly were elected, too, by the freeholders, and land was so cheap and abundant that nearly every one was a freeholder. There is no period of our history in which the rights of the individual as opposed to community rights were so much respected and so vigorously defended, as in our colonial period. This was as much the result of the colonists' British antecedents and

British training as of the distance of settlement from settlement—a distance that prevented the mutual dependence of man upon man, out of which the community right springs. In the large view of it, then, the people of Orange embodied in themselves as advanced a democracy as could be found anywhere at that time.

In the decade, 1755 to 1765, the county filled rapidly. In the latter year there were 3,324 white polls and 649 negro polls, indicating a population of about 18,000. (7 C.R., 289.) A year later white polls were 3,573, an increase of 249, and black polls were 729, an increase of 80, indicating a population of over 21,000. (*Ibid.*, 539.) Perhaps the most important event that occurred in the county in 1765 was the location of Dr. David Caldwell there as pastor of Buffalo and Alamance churches, and of Rev. Henry Patillo as pastor of Hawfields, Eno, Little River and New Hope churches. All these churches had been before visited by Mr. Patillo and the Rev. Hugh McAden, and perhaps others, as missionaries; but no Presbyterian minister had been located in the county before 1765. The coming of David Caldwell and Henry Patillo then meant much more than a series of sermons at certain set and stated times. It meant the erection of school-houses where they had not been before, and the training of the youth of the country in all that would render them useful men and women. It meant the selection by the people themselves of a competent leader and adviser in all the higher and better things of life. Says Dr. Charles Lee Raper: "When these minister-teachers came to the hills of North Carolina they found only a few people, and these scattered far and wide; they found a very primitive stage of life—pioneers in a very wilderness; they found a people possessed of great ignorance, but with native good sense and vigor; they found a vast amount of the forces of nature to contend with and to conquer and a primitive people to develop into a higher life. And these Scotch-Irish minister-teachers were an energetic

body, a band of heroic missionaries. \* \* \* These bright, vigorous and independent men brought with them ideas which have exercised the profoundest influence upon all the phases of our life and thought—upon our religion, our politics, our industry and our education. Their churches and schools soon became the centers of ideas—the places of their nourishment and their spreading \* \* \* the fountains of intellectual vigor for a great portion of our own ancestors. \* \* \* The Scotch-Irish Presbyterian minister-teacher deserves at the hands of the historian and at the hands of our people a thousand times more consideration and veneration than we have ever thought to pay him. \* \* \* He possessed the ability to appreciate intelligence and culture as none other of our colonial ancestors did; he keenly appreciated the exceedingly great and permanent value of education, for the individual and the community alike. He gave his very life—its ideals, its energy, its enthusiasm—to the teaching of his fellow-men; his school was ever a shining and brilliant light. He stood out, and always, for the light of classical thought and culture, and proclaimed the power of knowledge, of character and refinement, in the midst of ignorance and crudeness.”

Three years later, in 1768, Rev. Hugh McAden took charge of the churches in what is now Caswell County, and for thirteen years labored within their bounds both as teacher and preacher.

In the Act changing the name of Childsburg to Hillsboro, November, 1766, the Directors of the town were authorized to sell certain lots, excepting, however, among others, a lot or lots which they may or shall reserve for a church, a school-house and a burying ground. The lot that had been, probably, already reserved, was lot 98 in the plan of the town, situated at the corner of Tryon and Churton streets. The building of St. Matthew's church was commenced soon after the enactment of this law, immediately on the corner of these streets. I wish to emphasize this fact, because it is said

by some, to the present day, that by some hocus-pocus the Presbyterians got possession of old St. Mathew's and converted it to their own use. Indeed it is constantly said that the Convention of 1788 met in the Presbyterian Church in Hillsboro, and engravings of that church as such meeting place have been printed in books. As a matter of fact, the Presbyterian Church is not even on the site of old St. Matthew's, was erected long after the Convention of 1788, and no political meeting, convention or other has ever been held in it. Old St. Matthew's was of wood, the Presbyterian Church is of brick. Old St. Matthew's stood immediately on the corner, with its front entrance and tower to the south, while the Presbyterian Church stands 100 feet west of the corner and facing west. There was no Presbyterian church organization in Hillsboro until 1816, and the present church building was erected after that time, with the consent of the town authorities who owned the lot on which it is situated, it being the lot reserved, as above stated, for a church, a school-house and a graveyard.

Rev. George Meiklejohn came to Hillsboro to minister in charge of St. Matthew's Parish in 1767. He, also, was a school master and established an academy in Hillsboro. He was something of a Dominie Sampson in appearance, but was far from being so impractical, and is said to have been, though somewhat stern and harsh, a good teacher of the classics.

There were other schools and teachers in the county, outside of Hillsboro and these Presbyterian communities, but it is impossible to ascertain with any certainty how many there were, and where located. Rednap Howell, of Regulator fame, was a peripatetic schoolmaster, and William Few, in his Autobiography, an extract from which I give below, tells of one in his own experience. The Quakers on Cane Creek certainly had a school of their own, and it is quite probable that there were others in the more thickly settled communi-

ties, supported by the better class of farmers. William Few gives so graphic a picture of the times in his Autobiography (*Magazine of American History*, November, 1881, pages 343 *et seq.*) that I feel justified in extracting the following from it. William Few was a younger brother of James Few, also of Regulator fame, and himself, later attained great prominence in the State of Georgia, and, after removing to New York, also in that State:

"I was born in Maryland, in the county of Baltimore, on the 8th day of June, 1748. My father was a farmer, and having lost the greater part of two or three crops by frost, determined that he would seek for a country more favorable to agriculture, and, having conferred with his neighbors on the subject, two of them agreed to accompany him in search of a more fertile country and a milder climate. Having prepared for their journey, they set out southwardly, and, after traveling about three hundred miles, found themselves near the middle of the province of North Carolina. There they halted in order to explore the country, and being pleased with the soil and climate, purchased lands on the banks of the Eno River in the county of Orange (about six miles east of Hillsboro). These lands were in their natural state. Not a tree had been cut. The country was thinly inhabited, and the state of society was in the first stage of civilization. My father employed a man to build a house on his lands, and returned to remove his family. After selling his lands in Maryland and such of his goods and chattels as were not movable, the remainder was placed in a wagon drawn by four horses and in a cart drawn by two. In the Autumn of 1758 he set out for North Carolina with all his family and property. There a new scene opened to us. We found a mild and healthy climate and fertile lands, but our establishment was in the woods and our first employment was to cut down the timber and prepare the land for cultivation. My father had taken with him only four servants, who were

set to work, and every exertion was made to prepare for the ensuing crop. Then it was that I commenced the occupation of farmer. An axe was put into my hands, and I was introduced to a hickory tree about twelve or fifteen inches in diameter, and was ordered to cut it down and to cut off its branches. There was novelty in the business with which I was at first pleased and I cheerfully began the operation, but soon found myself extremely fatigued. My hands blistered, and the business progressed very slowly; I thought my situation most deplorable, but I dared not to resist the order I had received to cut down the tree. I was obliged to proceed, and found that practice every day made the labor more agreeable, and I was gradually instructed in the arts of agriculture; for that was all I had to learn. In that country at that time there were no schools, no churches or parsons, or doctors or lawyers; no stores, groceries or taverns, nor do I recollect during the first two years any officer, ecclesiastical, civil or military, except a justice of the peace, a constable and two or three itinerant preachers. The justice took cognizance of their controversies to a small amount, and performed the sacerdotal functions of uniting by matrimony. There were no poor laws nor paupers. Of the necessities of life there was great plenty, but no luxuries. These people had few wants, and fewer temptations to vice than those who lived in more refined society, though ignorant. They were more virtuous and more happy. In the year 1760 a schoolmaster appeared and offered his services to teach the children of the neighborhood for twenty shillings each per year. He was employed, and about thirty scholars were collected and placed under his tuition. In that number I was enrolled. This was the second school I had been put to. When about six or seven years of age, I was sent to a country school of the lowest grade. The teacher was an ill-natured, arbitrary man, who punished with rigor, and enforced his

precepts with terror. The man was to me the most dreadful of all mankind. I detested the man, the school and the books, and spent six or eight months at that school in terror and anxiety, with very little benefit. I was now more fortunate. This schoolmaster was a man of mild and amiable disposition. He governed his little school with judgment and propriety, wisely distinguishing the obedient, timid child from the obstinate and contumacious; judiciously applying the rod when necessary. He possessed the art of making his pupils fear, love and esteem him. At this school I spent one of the most happy years of my life. I had the highest respect for my preceptor, and delighted in his society and instruction, and learned with facility. With him I finished my education, the whole expense of which did not exceed five dollars. In that simple state of society money was but little known; the schoolmaster was the welcome guest of his pupil, fed at the bountiful table and clothed from the domestic loom.

"In 1764 my father purchased a farm and removed his family near to Hillsboro, which was the metropolis of the county, where the courts were held and all the public business was done. It was a small village, which contained thirty or forty inhabitants, with two or three small stores and two or three ordinary taverns, but it was an improving village. Several Scotch merchants were soon after induced to establish stores that contained a good assortment of European merchandise, which changed the state of things for the better. A church, court-house and jail were built, but there was no parson or physician. Two or three attorneys opened their offices and found employment. Superior and Inferior Courts of Justice were established, and a fair field was opened for the lawyers. It was to me the highest gratification to attend the courts and hear their pleadings, and my ambition was excited to acquire the knowledge and ascend-

any they seemed to possess; but I had no other way or means of learning but by attending the courts and hearing the principles of law discussed and settled, until I had prevailed on a lawyer to lend me Jacobs' Law Dictionary, which I considered the greatest favor he could confer. I read the book attentively, but not with much benefit, for I was not sufficiently acquainted with the law terms to make much progress; notwithstanding it was believed that I had acquired some law knowledge, for my neighbors sometimes applied to me for my opinion on their matters of controversy, which was flattering to my vanity, and stimulated me to greater exertions. In that country at that time there was great scarcity of books. My father's whole library consisted of a folio Bible, Tillotson's Sermons, Barclay's Apology and a few other religious books, which I read over and over, for I was fond of every book I could get. About this time my father purchased Dyche's Dictionary and a set of the Spectators, with which I was greatly delighted, although I found the Spectators were wrote in a style different from those books I had been accustomed to, and contained many words I did not perfectly understand, which often made it necessary to apply to the dictionary for a definition. In this way I soon acquired a knowledge of these books and read them with additional pleasure and much improvement.

"About the year 1767 my father bought a farm seven miles distant, which was placed under my care, and it required my whole attention. It became my duty every Monday morning to go to the farm and remain until Saturday, and I was employed at the plow. It was my practice every Monday to take with me a book which I read at leisure hours, and took it with me to the fields, and when fatigued I retired to a shade and read. By those means labor became pleasant and agreeable, while the mind was amused and the understanding improved. Here I enjoyed the greatest part of one

year in uninterrupted peace and tranquillity. I had only two objects in view: reading to acquire knowledge, and the cultivation of the soil, which alternately exercised my corporal and mental faculties. I now experienced that the proper and equal exercise of body and mind insures the greatest portion of human happiness. I was successful in my labor; the season was favorable and I raised a good crop."

This is, no doubt, an accurate account of William Few's life in Orange County as boy and youth. His father, though, belonged to the better class of farmers, had more means and a better education than the average settler. He had been a Quaker, but had severed his relations with his Meeting by marrying out of the connection in Maryland, and though known as a Quaker in his new home, he was not one in good standing, for that reason.

At this period there was no industrial life of the people, except that depicted by Few. Agriculture was their only calling, to which both men and boys were devoted, while the women and girls looked after household affairs, spun and wove the wool, or cotton, out of which their own clothing and that of the men was made. While no doubt there were artisans in Hillsboro, carpenters and blacksmiths, weavers and hatters, out in the sparsely settled country districts nearly every one was his own carpenter and his own blacksmith. Every eligible stream in the county had somewhere along its course a grist mill, some of them two or more, while in a few instances a sawmill was connected with it. A little later, about 1769, brick were made in and about Hillsboro, but they were used only for chimneys, even then. Out of the town chimneys continued to be built of stone, with a pen of sticks on top daubed with clay.\* The coming of the Scotch merchants to Hillsboro, of which Few speaks, William Johnston, James Thackston and Ralph Macnair, was a

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\* At this time there were two fulling mills on Deep River.

double convenience to the inhabitants of the county. They could get from them necessary supplies of salt, or powder or lead or agricultural implements for themselves and the equally necessary articles of needles, cards, etc., for their wives and daughters, by the exchange of their products, or peltries, for them, when otherwise they would have no market, or at best a very distant one, for these products. They could get from them, too, many other articles, not so essential, but adding very much to their comfort and to that of their families. These merchants kept wagons almost constantly running from Hillsboro to Cross Creek or New Bern, taking down loads of the country's products and bringing back loads of goods for their stores.

The amusements of the people were the usual rough sports of the frontier. As I have said elsewhere: "To it (the county seat) come the merchant, the lawyer, the tavern-keeper, the artisan and the court officials, adventurers all, in the perennial pursuit of gain. Rude in its beginnings, the town is, however, the emporium for the trade, and the headquarters for the politics, the news and the fashions of all the country about it, and to it great crowds come at the quarterly courts for a holiday—a holiday that partakes of the strenuous character of the people themselves. The best shot of one community pits himself against the best shot of another; the cock of the walk of Haw River must try conclusions with him of Little, or Flat, River, while the friends of each look on, restrained from indulging in a free fight themselves only by their interest in the main event; and so on, wrestler with wrestler, runner with runner, race-horse with race-horse and game cock with game cock—a strong, free people as yet but half civilized, unconsciously preparing itself for a great career. Meantime the stock of drinkables at the various taverns is growing smaller and smaller, and the self-important Justices are sitting in the court-house try-

ing minor offenses or settling minor disputes between man and man, and puzzled occasionally by some astute lawyer, referring, in hope of enlightenment but in a helpless way, to Nelson's Justice, Cary's Abridgement of the Statutes, Swinborn on Wills, Godolphin's Orphans' Legacy, Jacobs' Law Dictionary, or Wood's Institutes—books required by law to be upon the court table." These people had, too, their neighborhood amusements—house-raising, corn-shuckings, shooting-matches, at which there was much drinking of strong drink, and the two first of which were followed (out of Quaker, Baptist and Presbyterian communities) by rustic dancing with the music furnished by a neighborhood fiddler. This was one side of the people's life; but there is another which I wish to treat somewhat fully, so will put it under a heading to itself, in which I will use freely what I have heretofore written.

#### THE REGULATORS.

The Regulator disturbance beautifully illustrates the effect of agitation against real grievances, but grievances which can be best redressed under forms of the law, upon an ignorant, headstrong, lawless populace.

Solon likened the people to the sea and their orators and counselors to the winds, for the sea would be calm and quiet if the winds did not trouble it. The illustration is none the less happy because it may be turned and viewed from another side. There would be stagnation and death in the sea were it not troubled by the winds. So there would be the torpidity of slavery among the people, could they not be aroused to action by their orators. Eternal vigilance is indeed the price of liberty, and the abiding place of that liberty is in the hearts of the people. So much so, that a people fit to be free has been, and always will be, free. Continuing the illustration however, as there are great tidal movements in the

ocean, independent of winds or weather, so here and there in history are great popular uprisings not induced by the appeals of orators. They are caused by oppressive or disorderly government, and come not from a desire to attack, but from an impatience of suffering, as the Duke of Sully, one of the wisest of statesmen, said centuries ago. The French Revolution and the recent stir in Russia are instances. In a representative government, whether a constitutional monarchy or a republic, they have never occurred, and, from the nature of things can never occur. The people of our own country have never been aroused to determined action unless first stirred by their orators and organized by their leaders. A free people, conscious of their freedom, are inapt to see and, when seen, not prone to avenge by violence a minor infringement of their collective rights, sensitive though they are to any attack upon an individual right. It is the province of orators and agitators, those sentinels upon the watch towers of liberty, to warn the people of any approach of danger. This can be most effectively done, among a people volatile or impulsive or ignorant or half educated, by a broad and misleading definition of their rights, an exaggerated and highly colored statement of their wrongs, and by vehement invectives against their alleged foes. In other words, such a people suffers from a species of political myopia, and things and persons and events must be magnified that they may see the better. Made thus to believe that they are oppressed, they, naturally inert, are aroused to action, not from an impatience of suffering but from a desire to attack. This was the method of Herman Husband, the agitator and organizer, of Rednap Howell, the orator and bard, and of James Hunter, the spokesman of the Regulators. It is not a new method. It is as old as freedom itself, and we see it exemplified in every presidential election to the present. Only the omnipresence of the law and its restraints and the greater

sensitiveness of the people to these restraints prevent each hard-fought campaign from becoming a series of bloody riots, if not a civil war. The absence of these restraints, or their ineffectiveness, made the Regulator movement culminate in the Hillsboro riot and the battle of Alamance. And herein, too, is found the soundest basis for that complete and perfect education of all the people, which is the dream of the most advanced statesmen of the day. The State may take a small portion of the property of A to assist in the education of B's children by way of tribute for the protection of the rest of A's property. This universal education will not only make the people more sensitive to any encroachment on their rights, but it will make them more intelligent and more self-controlled in pursuit of remedies for such encroachment. In other words, they will cease to be facile instruments in the hands of demagogues and selfseekers.

In popular movements, such as the Regulator movement, it is the office of the agitator and orator to stimulate action, and of the leader to organize, guide and control the strength of the people so that it may become effective in action. In this sense the Regulators had no leader. Herman Husband, the ablest of them, was a great agitator and an excellent organizer, but there he stopped short. He lacked the bold determination and dauntless courage required of a leader of the people in such a crisis. Rednap Howell, the orator and bard of the movement, was an active, energetic and shrewd agitator, but there he stopped short. He had neither the ability of an organizer, nor the courage of a leader. James Hunter was intelligent, honest and intrepid, but in the rare qualities necessary to manage and control bodies of unruly men, he was wholly deficient.

That the people had just cause of complaint against the officials is true beyond doubt. A loosely drawn and ambiguous fee bill gave opportunity for each man to put his own

construction upon it; and, as human nature was the same then, in general features, as it is now, the officials construed it liberally in their own favor and the agitators construed it strictly against them. Of course calculations made upon such a totally different basis resulted in a conflict which could not be reconciled. (8 C. R., pages 312, 322 and 388, and 23 S. R., 275 *et seq.*) If the act was ambiguous, it is manifest that the remedy therefor was to be found in an amendment by Assembly itself. If, however, the officers were using the ambiguity of the act as a cover for extortion, the remedy was by indictment in the courts. The Regulators went about securing this remedy, at first, in a perfectly legal way, and, if this method of securing redress had been pursued consistently, the evils would have been removed without the shedding of a drop of blood. These were their rules of conduct at first:

1st. Let us be careful to keep sober, nor to do nothing rashly, but to act with deliberation.

2d. Let us do nothing against the known, established laws of our land, that we appear not as a faction, endeavoring to subvert the laws and overturn the system of government; but let us take care to appear what we really are, free subjects by birth, endeavoring to recover our best native rights of reducing the malpractices of the officers of our courts down to the standard of law.

If then, in their subsequent career, they were not careful to keep sober and to do nothing rashly; if they disregarded the established laws of the land, they are convicted out of their own mouths of being factionists and subverters of the laws. Let us see how this was. Husband says that the organization of 1766 went to pieces, but was revived and made more efficient and strong the latter part of 1767. Some one informed them at that time, or the early part of 1768, that taxes were being paid to retire an issue of paper money

after that object had already been accomplished. Soon after, too, they were informed that £15,000 had been appropriated for the erection of a Governor's House at New Bern. So to the Regulators it was made to appear that they were being robbed not only by their local officials, but by Governor Tryon himself. They determined to pay no taxes: "We are obliged to seek redress by denying paying any more taxes, until we have a full settlement for what is past, and have a true regulation with our officers." Now this was an attempt to apply a remedy to existing evils by violence and force, by illegal means, and Husband knew this very well, for he excuses himself and others by saying that they protested against and never agreed to this plan. He says also, "That not one-third man on the west side of Haw River had yet concerned themselves, yet they were afterwards forced to join as one man in defense of their lives." (See Husband's Book in Wheeler. pages 307 *et seq.*)

The determination not to pay any taxes at all was persisted in until the latter part of 1768. It is perfectly manifest that this was not a justifiable means to remedy the evil complained of. If the sheriff, when he comes to collect taxes, had to convince every citizen that every item was legal, every item legitimate, else no taxes should be paid, and if he attempted to levy, he should be beaten, if not killed with impunity, then anarchy necessarily ensues. Government itself, if it permitted this, would abdicate its functions to a mob. It could be a state no longer. It was tried in the Whiskey Rebellion in Pennsylvania, and General Harry Lee, under President Washington's orders, crushed that. Shay tried it in Massachusetts, and General Lincoln crushed that rebellion. So this second movement of the Regulators, being a combination between two or more to do an illegal act, was in law, a criminal conspiracy. Now it was on this ground that Husband was acquitted on his trial at the September

Term, 1768, while William Butler and others were convicted. There was proof that he had been a prime mover in the first plan, but this was legal, while on the other hand there was none that he had encouraged the second and illegal plan. The others had, and they were convicted, while he was acquitted. What, then, was the consequence of the refusal to pay taxes? The sheriff of the county, Tyree Harris, had charged against him all the general and county taxes that had been listed, amounting to 10 shillings and 8 pence per poll, proclamation money, or stated in another way, legally about \$1.75, but for purposes of trade, about \$1.40. His account could not be credited with any sum that he failed to collect, unless allowed by the County Court for the county, or by the Assembly, for the province at large. So there he stood between two fires: the law compelling him to collect this amount and the Regulators threatening him with castigation or death if he attempted to do so. (7 C. R., 491, 772, 798-9.)

The amounts specifically objected to by the Regulators were 3 shillings for the retirement of outstanding paper money and 8 pence for Tryon's palace. Those who insist on canonizing these factionists as patriots invariably forget that no power short of the Assembly could remit this three shillings, and that the representatives of the people, including the Regulators, had expressly authorized the erection of the palace and the levy of the eight pence. In other words, they forget that the government was representative and that the Assembly held the public purse in its hands, and held it as firmly as ever did a reformed Parliament, or does now the State Legislature. In no aspect of the case could either of these taxes have been illegal, though both may have been unjust. Nor was there any inequality in the poll tax system between the east and west. All slaves above 12 years of age and under 50, male and female, were taxed at the same rate as the whites, while the white males, only, be-

tween 18 and 50 were taxed. The polls, white and black, in Mecklenburg, Rowan, Orange, Granville, Bute, Johnston, Cumberland and Anson were, in 1767, 18,102, while in the rest of the province they were 32,942. (7 C. R., 539.) This poll tax was the only tax the people were compelled to pay, and it was in no sense oppressive, either in amount or in its method of collection. Whether an *ad valorem* property taxation would not have been better is outside of the discussion.

It is true that the currency of the province was inadequate for the business of the province, and this was peculiarly hard upon those in the back parts of the country. But that is a condition common to all new settlements away from markets and navigable streams, with these markets only to be reached by a long land carriage over almost impassable roads.

All these conditions, however, were but fuel to the agitators' flame, and the people, banded together in an illegal combination, were made to hate lawyers, public officials and merchants with an intense and bitter hatred, and taxes were to them a cruel imposition and tax collectors agents of a tyrannical power. Taxes, even now, in the twentieth century, are regarded as a necessary evil, and perhaps a majority of the people of the whole country are tax dodgers in some form. It is certain, then, that those who, in the eighteenth century were scattered, here and there, in lonely settlements throughout the backwoods of North Carolina, not needing the protection of the government and caring nothing for its benefits, paid out with grudging hand the hard-earned pittance that the government wrung from them.

In April, 1768, Tyree Harris, pressed by the law on one hand and by the Regulators on the other, seized a horse of one of them while he was in the town of Hillsboro. The man disappeared, but soon returned with a band of a hundred horsemen. The sheriff was seized and tied to a tree.

the horse rescued, the citizens of the town were terrorized and insulted, Fanning's house was fired into and the horse-men vanished. Sheriff Harris, in making this levy, was strictly within the law, which was the same then that it was after the Revolution. (Compare 7 C. R., 487, with Potter's Rev., 498.) If any taxpayer failed to attend at the time and place fixed for the payment of taxes, the sheriff might distrain at any time thereafter for the taxes. So the sheriff was doing a legal act in a legal way, while the Regulators were carrying into effect their illegal combination by doing an illegal act. Suppose such an outrage as this should be perpetrated in North Carolina to-day, what would be done? Governor Kitchin would be bound by his oath to call out the State Guard, if the power of the county should prove insufficient, that such flagrant contemners of the law might be brought to justice.

A warrant was sworn out against Herman Husband and William Butler on May 1st. They were arrested and brought to Hillsboro, the intention being to commit Husband to the New Bern or Wilmington jail, but this was frustrated by the collecting of a mob for their rescue, and both prisoners were admitted to bail. (7 C. R., 742 *et seq.*). The mob dispersed on May 3d, after being assured by Isaac Edwards, Secretary to the Governor, that if they should petition Governor Tryon he would do all he could to remedy their wrongs. Tryon reiterated these promises in his letter of June 20th, in answer to their petition presented by James Hunter and Rednap Howell, but impaired the effect of this, among the Regulators, by demanding that they conform to the law, quit their illegal association and pay their taxes. (*Id.*, 792.) He, with his Council, was in Hillsboro, during August of that year, and then the Regulators handed him a letter. In answer he assured them that the officers should be prosecuted in the proper forum, the courts, and that their purpose to peti-

tion the Assembly met with his hearty approval, and that he would continue to do all he could to have their grievances remedied according to law, but warns them of the consequences of their illegal acts. Meantime they had refused to pay any taxes, and had sent Tyree Harris and Ransom Southerland back to town very thoroughly convinced that it was dangerous to distrain for them. (*Id.*, 698.) Meantime thousand-tongued rumor was busy throughout the section. Tryon was to bring the Indians down upon their settlements. At the coming court their leaders were to be tried and executed while the officers were to go scot free. The Regulators, then, while professing full and hearty allegiance to King George and perfect satisfaction with their form of government, must maintain their organization and be ever ready at an instant's warning to run together and protect themselves. (*Id.*, 810.) Tryon thought that they intended to rescue Husband and others at the coming court. He demanded that twelve of their leaders should execute a bond in the sum of £1,000, conditioned that no rescue should be attempted. At the same time he informed them that this was done to save the heavy expense of calling out the militia to defend the court. They replied that there was to be no rescue and refused to give the bond. The militia was called out, and the event justified the prevision of the Governor, for on the morning of the first day of court about 1,000 Regulators were encamped about a half mile north of Hillsboro. (*Id.*, 819.) Governor Tryon's course, in this regard, was endorsed by the best people of the west as well as of the east. The army was composed largely of Mecklenburg and Rowan Presbyterians. Rev. Henry Patillo, always an ardent patriot, on Sunday, September 25th, preached a sermon before them, for which he was thanked in general orders. (*Id.*, 835.) Nor was he alone among the preachers in condemning the Regulators and approving the Govern-

or's course. (See address to the Governor, and letter to their congregations by the Rev. Hugh McAden, James Cresswell and David Caldwell. *Idem*, 813 *et seq.*) It was at this court, thus protected, that Herman Husband was acquitted and William Butler, Samuel Deviney and John Philip Hartso were convicted of a rout and rescue. The convicts were sentenced to imprisonment and a fine, but the imprisonment was immediately remitted by the Governor and they were given six months within which to pay the fine. (*Id.*, 885.) On October 3d they, with all other Regulators, with the exception of thirteen named, were pardoned of all offenses before that date. (*Id.*, 850.) It must be remembered that, at this time, the law was exceedingly technical. Three separate bills were at this court sent against nine other Regulators, and were quashed by the court for an irregularity in the return of the grand jury. We can imagine the eloquent indignation of some writers had these been bills against officers. Indeed to the present day they lash themselves into indignation over William Butler's fine and imprisonment and Fanning's penny and costs, when the record shows that such was not the judgment in Fanning's case (*Id.*, 844; 8 *Id.*, 27, 33 and 323), and that William Butler and the others were never imprisoned after their conviction and paid not a cent of their fines (7 *Id.*, 850), and that, indeed, on September 9th, 1769, the slate was wiped clean—all Regulator offenders, without exception, were pardoned. (8 *Idem.*, 67.)

Now I will examine briefly, and at the risk of being tedious, what was done in the Assembly to remedy the grievances of the people. At the session of November, 1766, Governor Tryon recommended that a better class of sheriffs be secured by increasing the fees of the office, and that the treasurer's accounts be overhauled and better provision be made for the keeping of his books. (7 *Idem*, 294.) This the Assembly did, and also gave relief to debtors when exe-

cutions were levied on land. (*Id.*, 433.) At the session of November, 1767, the Governor recommended further legislation in regard to the office of sheriff, and stricter regulations for the security of the public funds. (*Id.*, 551.) The House immediately appointed a committee on Public Accounts, with Cornelius Harnett, Chairman, and Thomas Persson, Wiley Jones and Edmund Fanning among its members. (*Id.*, 571.) Joseph Hewes was added to this committee, and it was continued to the end of the next session. (*Id.*, 662.) At this session they legislated in regard to both sheriffs and the treasurer, and provided a method for appointing jurors. At the November session, 1768, the Governor again pledges himself to do all he could to remedy the grievances of the people, and in regard to the state of the public funds, he said: "It is not the labor of one session, but of many, to bring the public accounts into proper order"; and then he urged the Assembly to be persistent in the attempt. (*Id.*, 862.) Many bills were introduced in answer to the demands of the people, but some failed because the state of the public accounts had not yet been ascertained, others for reasons that do not appear, and still others because contrary to the Governor's instructions. The scarcity of a circulating medium was the evil which seemed most to require a remedy; but the Assembly was not willing to emit paper money without making it legal tender for all debts, and this could not be done, because prohibited in England. They did, however, direct sheriffs how to levy executions and how to dispose of the property taken thereunder. (*Id.*, 977.) This Assembly was dissolved and a new one elected in 1769. In this Herman Husband and John Prior, both Regulators, were the representatives from Orange. When it convened in October, Husband was placed upon the Committee on Public Accounts. (8 *Id.*, 111.) It should be noted that pages 303 and 304, in this volume, should be where pages 106 and 107 are, and *vice versa*.

Governor Tryon's health had been very bad since the fall of 1768. He lost his only son soon afterward. (Haywood's Tryon, 203.) His health continued bad during 1769. He was anxious to return to England or to be transferred to New York. (S C. R., 54, 169, 191 and 212.) In the summer of 1769 he visited Williamsburg and there obtained from the Virginia treasurer, Mr. Nicholas, a system of keeping accounts, which, he thought, would prove a complete check upon treasurers and sheriffs. This he urged the Assembly of 1769 to adopt. (*Id.*, 94.) They, however, instead, resolved against taxation by Parliament and the removal of those charged with treason to England for trial and in favor of the right of petition. Tryon, then in a pet, which he afterwards explained was caused by his illness, dissolved that Assembly. (*Id.*, 169.) Before the dissolution, though, it adopted other good resolutions against those resisting officers and against officers who took illegal fees. (*Id.*, 139.)

The election for the new Assembly was held on March 12th, 1770, and Herman Husband and John Prior were again returned from Orange. The Assembly was to have met in New Bern in May, but on account of the heat of the summer and the unhealthfulness of the season it was prorogued to meet on November 30th. I have thus gone carefully over the Acts of the Assembly from the beginning of the Regulator agitation to the period immediately preceding the Hillsboro riot. It seems from this, that Governor Tryon, far from being deaf to the demands of the people, was doing what he could to meet them. (S C. R., 140.) In the matter of stating the accounts of the public officers, Mr. Burgwin, the best accountant in the province, worked three years before he completed his work. That he had undertaken this work was perfectly well known to the Regulators, for Husband was a member of the Assembly at the time. (*Id.*, 139.) The neglect of the Assembly to make the fee bill more definite

and to divide the county of Orange into three counties sooner, is to be condemned. Bills to this effect were introduced two years before they became laws, but those were the two years in which conditions were most acute, and thus demanded prompt action. Legislative reform, however, is notoriously of slow growth, so slow indeed that two years is generally a very short period in which to perfect one, and there are very great practical difficulties in the way of revising a general fee bill.

Having stated thus what the Assembly did in answer to the people's demands, it remains to consider what the courts did in determining whether the officers had been guilty of extortion or not. We have already reviewed the proceedings of the Hillsboro Superior Court in September, 1768. At the ensuing term, March, 1769, nothing was done against the rioters at all. Husband said that bills of indictment were sent against the clerk, Francis Nash, but were ignored, the grand jury having been packed. That body taken from Orange and Granville counties, in ability and standing, seems certainly an average one. So far as can now be ascertained, no one seems ever to have been an officer, so there is no reason apparent why they should favor officers. At the following September term both juries were composed of excellent citizens, including at least two Regulators. (*Id.*, 97.) At the Salisbury court, immediately preceding this, indictments had been sent against the Clerk of Rowan County, John Frohock. These also had been ignored. According to the Regulators this grand jury, too, had been packed. (*Id.*, 68.) At the March Term, 1770, of the Hillsboro court, an action, James Hunter v. Edmund Fanning, was tried, with the verdict in favor of the defendant, and Husband's lawyers, at the September Term, 1768, obtained judgments against him for the fees earned at that term. His plea, duress, was found against him. Execu-

tion was afterwards issued upon James Milner's judgment for fifty pounds and levied upon Husband's land, but the sale thereunder was stopped by a mob. There is nothing in the constitution of the jury at this term to indicate that it was made of those who sympathized with the officers, and Regulators were of its number. (*Id.*, 184.)

Jurors for the Superior Court were appointed by the County Courts of the counties within the district, and the County Courts were composed of all the justices in the county. This method of appointing jurors remained practically unchanged until 1806. (Compare 23 S. R., page 704, *et seq.*, with Potter's Rev., 395 and 1055.) Under such a system it is possible to exclude all those obnoxious to the court itself, but it is not possible to select a jury with a view to packing it for a particular case. That presupposes collusion between the various County Courts of the district, as well as positive corruption in all these courts. Now they were composed of the best and most substantial men in the counties, appointed upon recommendation of the members of the Assembly, and John Lowe, Richard Cheek and Joab Brooks, all Regulators, were Justices in Orange. (*Id.*, 149.) So we can put aside as incredible the assertion of the Regulators that the jurors at the Salisbury and Hillsboro Superior Courts for 1769 and 1770, were corrupt. Some, no doubt were prejudiced against, and some in favor of, the Regulators, just as jurors would be now in the midst of any public excitement, but the indifferent and impartial members of the jury would be, in some instances, at least, the balance of power.

Now as to the Judges who presided over these courts. The Chief Justice, Howard, seems to have had more of the confidence of the Regulators than either of the others, Henderson and Moore. He was a good lawyer, of mild disposition and inclined to mercy—not at all a tyrant, though something of

a courtier. Henderson had great natural ability. He was a self-made man and, largely, a self-taught man. Of the people originally, he was the architect of his own fortunes, and there is nothing, so far as known, to cast any shadow upon his personal integrity. Maurice Moore, an aristocrat by birth, was politically a democrat. He was a man of culture and of strong character, though unquestionably an intriguer. There may have been, of course, individual miscarriages of justice in this court, just as there are in our courts now, but that the court was partial to officers, so as to make it its business to see that they were not convicted, is wholly disproven. All the established facts show this to be false and there is nothing to the contrary except the wild assertions of the Regulators, that is of one of the parties to a bitter controversy in the midst of a controversy, and that, too, without having adequate means of knowledge. Their charges against the court and juries may be utterly disregarded as not having any sufficient basis of probability. But smarting under their defeats, and as they conceived them, their wrongs, they came in force to the September, 1770, Superior Court to see that their sympathizers were placed upon the juries and they, themselves, should have justice administered to them. Their conception of justice, however, was that all the cases in which they were interested should be decided in their favor. The scenes at the riot which ensued are familiar to all readers, and I have not space to repeat the description. There was no immediate cause for it. Not a single Regulator had ever been punished for his illegal acts. There were no indictments pending in the court at that time against any of them. About one thousand of them in Orange and about seven hundred in Rowan were standing obdurate in their refusal to pay taxes, but no indictments had been found against them for this, and for their former offenses they had all been pardoned. There were suits pending against some

of the officers, with individual Regulators as plaintiffs, who were endeavoring to recover fees that they claimed were extorted from them. Besides, they wished to force indictments against these officers. When it is remembered, then, that they already had the two members of the Assembly, it must be apparent to the most prejudiced mind that this outbreak was wholly personal, directed solely against the lawyers and officials.\*

After the Hillsboro riot, Alamance or submission was the only alternative. When, then Governor Tryon marched west at the head of his little army, he was coming not as a tyrant to oppress, but as a ruler to suppress and punish defiant criminals. In this he acted as any executive officer of any State, however free, must have done under similar circumstances. The attack at Hillsboro was not upon the existing state, but upon government in any form. Even the most primitive peoples respect their judges and do not profane their courts. It is there that earthly power doth show likest God's, and man's intuitive recognition of this truth is itself testimony to His divine origin. When, excited by passion, he attacks his courts, he is then attempting to uproot the very fundamentals of society. The men who followed Tryon, afterwards, with one exception, the Whig leaders of the State, knew that so long as the mob spirit was abroad in the land any government was impossible. Their primary object in going then was to save government itself, and not its form, so they were as much patriots at Alamance as they afterwards were at Moore's Creek or Guilford Court House.

After these disturbances and their tragic ending many people removed from the county. More than half of its territory, too, was erected into new counties. I can find nowhere any data upon which to make any estimate of the population of the dismembered county of Orange. During

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\*It must be noted, too, that Fanning had held no office in the county since October, 1768.

the year 1772, Governor Martin, who had succeeded Tryon, transferred to New York, visited Orange and the Regulator settlements in Guilford, spending the month of August in Hillsboro. James Hunter gives such a naive account of this visit in a letter to William Butler, November 6th, 1772, (Morehead's James Hunter, pages 44 and 45), that I reproduce what he has to say:

"Things have taken a mighty turn in our unfortunate country. This summer our new Governor has been up with us and given us every satisfaction we could expect, \* \* \* and I think our officers hate him as bad as we hated Tryon, only they don't speak so free. He has turned Colonel McGee out of commission for making complaint against outlawed men, and he has turned out every officer that any complaint has been supported against. In short, I think he has determined to purge the country of them. We petitioned him as soon as he came, and when he received our petition, he came up among us and sent for all the outlawed men to meet him at William Fields; told us it was out of his power to pardon at that time because he had submitted it to the King, and the King's instructions was to leave it to the Governor, Council and Assembly to pardon whom they saw fit. But assured us he had given strict orders no man should be hurt or meddled with on that account, which made us wish for you all back again. Though some are of the opinion Harman will not be pardoned, I am of a different mind. \* \* \* He came to see us the second time and advised for fear of ill-designing fellows, to go to Hillsboro and enter into recognizance till the Assembly met, which eleven of us did. He bemoaned our case and regretted that the indemnifying act had put it out of his power to give us full relief. Our enemies would, I believe, be glad to see you three pardoned, for some of them have gotten severely whipped about your being kept away, and I think the country is as much master now as ever. \* \* \*

Morriss Moore and Abner Nash have been up to see me, to try to get me in favor again, and promised to do all they could for you."

It is evident from this letter that both the Governor, Martin, and the Whig leaders of the east had begun to realize that there was to be a contest between them, and each party was anxious to conciliate the Regulators. The Whigs could not afford to have at their back secret foes while they faced their open enemy in front, while Martin, looking about him for supporters in the coming contest and finding the Regulators already bitter foes of the leading Whigs, determined to attach them to his own service. It is believed that part of Maurice Moore's intrigue with these factionists was his publication of the Atticus letter, for, Ransom Southerland, who then lived in Guilford and was cognizant of the visit of Moore and Nash to James Hunter, thought Nash was the author of this letter, because he was with Moore on this trip into the Regulator settlements, and the letter was never credited to any one except these two, so far as is known. This courting of the Regulators by both sides continued until 1776, when the war was flagrant, with the advantage decidedly on Governor Martin's side. The name Regulator in 1776 had lost its old meaning and meant then a loyalist, or as they were afterwards called, a Tory. In that year the Cane Creek Quakers entered upon the minutes of their meeting that certain of the inhabitants of the province had approached them to ascertain how they were affected towards the colonists in the approaching struggle between them and the mother country, and that they had answered that the tenets of their faith required that they should remain neutral. A few pages afterwards they note that the Regulators had approached them with the same object, and they returned to them the same reply that they had returned to the inhabitants of the province. (Minutes at Graham.) Thus we

see how completely the Regulators had become identified with the Loyalists in the minds of the people. In fact all the Loyalists in Orange County at that period, probably one-third of the population, with a few individual exceptions, had been Regulators. It is a perfectly safe conclusion, then, that had it not been for the Regulator troubles, Orange County when war was flagrant would have presented a united front to the enemy. Apologists say, in explanation of their position, that they felt bound by the stringent oath that Governor Tryon had imposed upon them. Every one who knows human nature and the springs of human action, knows how prone men are to substitute a fair-seeming and high-sounding motive for the real one, when they are called upon for an explanation of their acts. In this, so seductive is the temptation, they quite frequently deceive themselves. The truth is, that no large body of men in all history was ever restrained from revolution by any oath of allegiance that they had taken, as Edmund Burke, with his luminous common sense and glowing reason, shows in one of his great speeches in defense of the American colonists. No, the reason why the Regulators were Tories is found in the fact that their ancient enemies, the lawyers and officials, were Whigs, and Governor Martin and his emissaries made most effective use of this personal element in the situation.

The center of the Whig influence was, from the beginning, in Hillsboro. There under the leadership of Francis Nash, Thomas Hart, William Johnston and others, a Safety Committee was organized in late 1774 or early 1775. Unfortunately the record of its proceedings has been lost. We know only that, in 1776, John Hogan was its chairman and James Hogg, its secretary. As early as 1773 an independent company had been formed at Hillsboro, with a former sergeant in the British army as its drill master. After the departure of Edmund Fanning for New York in

1771, Francis Nash had been appointed colonel of the county, and he seems to have entered actively and efficiently into the discharge of the duties of that office. From the standpoint of military equipment and effectiveness this militia no doubt was almost a farce. Martin, writing to the Earl of Hillsboro in 1772, said (9 C. R., 349): "In the course of my journey through the interior country, I received the militia of the three counties of Guilford, Orange and Chatham. Considered in a military light nothing can be imagined more contemptible in all respects but numbers, than those assemblages of people in arms. They were truly such a burlesque representation of soldiers, such a mockery of my beloved profession of arms as did not fail to excite in me some silent, indignant and painful emotions." These indignant and painful emotions, they continued to excite in the breast of that susceptible man for the next ten years, reaching an acute stage in 1781, when in company with Lord Cornwallis and his army, harassed by them after the battle of Guilford Courthouse, he retreated across the State.

At the beginning of the war, the settlements in the county containing the pleasantest homes and the best cultivated farms, were those in which the Whig sentiment was strongest—Hawfields, Eno, Little River, Flat River, and New Hope. There was an occasional Loyalist family among them, at that time, and some neutrals, men who from timidity or constitutional conservatism, had not made up their minds, yet these communities constituted the fighting strength of the county during the whole war. In one of these settlements was a Tory family, which to the present day, shows the effect of the isolation and repression of that period, in their silent, almost stern, self-sufficiency.

The first general meeting of delegates from the province at large that occurred in Orange County was the Provincial

Congress, which convened at Hillsboro, August 20, 1775. On that day, which was Sunday, a majority of the counties and towns not appearing, the Congress was adjourned until the next day. Then all the counties, 35, and all the towns, 9, were represented by 184 delegates. Probably never since in the history of North Carolina has a public body included in its membership so nearly all the prominent men of the State, as did this Congress. Its place of meeting was St. Matthew's Church, which never having been consecrated according to the ritual of the Episcopal Church, could be used for such purposes without desecration. Hillsboro at this time contained within its limits about seventy or eighty houses and three or four hundred inhabitants, while there were many farm houses in its immediate vicinity. Thomas Burke resided two miles northeast of the town, James Hogg just east of it and Ralph Macnair still further east on property formerly belonging to the Fewes and now the Kirkland place. The well-to-do citizens had negro slaves and attendants; food supplies, including game, were abundant, and hospitality was a law of the period. It had then two taverns, one of which was described by Judge Iredell in 1778, as most elegant. Notwithstanding all this, it must have taxed the little town very heavily to entertain suitably fully two hundred visitors. Samuel Johnston, writing of this entertainment in a letter of August 22d, said: "The delegates are all in good health, and we are tolerably well provided with accommodations from the hospitality and obliging dispositions of the inhabitants of this town." After the organization of the Congress on the morning of the 21st, Rev. George Meiklejohn, upon request, attended and performed divine services. If the High Church, Tory, Parson had the courage of his convictions and a sense of humor, no doubt, he incorporated in his prayers the petition, "From all sedition, privy conspiracy and rebellion, good Lord de-

liver us." The Representatives of the county in this Congress were Thomas Burke, John Kinchen, Thomas Hart, John Atkinson and John Williams. Three companies of minute men were required to be raised within the county, of the battalion to be raised within the district of Hillsboro, and James Thackston was appointed colonel. A regiment of militia was also required to be raised within the county, with John Hogan, colonel; John Butler, lieutenant colonel; William Moore, first major, and Nathaniel Rochester, second major. Of these, John Butler became much the most useful officer. In 1777 he was made brigadier-general of the militia. For twenty years he had the confidence of the people to a great degree. He, however, had no special aptitude for military affairs, and his failure to accomplish results in two or three instances has with some occasioned a doubt of his personal courage, and with all a lack of faith in his military capacity. The affair at Lindley's Mill, when Governor Burke would have been rescued had General Butler's staunchness equaled his activity in raising the militia for the pursuit of McNeill and Fanning, impaired his reputation as an officer materially. His residence was at Mt. Pleasant, an elevation near Haw river, about 16 miles west of Hillsboro. In his civil employments, and they were many, he was a very valuable and useful citizen. He was a moderator of the fury of, and an intermediary between, the contending factions in the Regulator troubles. He was one of the first and most outspoken patriots, and he made and kept his whole immediate section a Whig stronghold throughout the war. He was constantly employed in the public service, and seemed to respond to any demand upon his time and energies with the utmost cheerfulness and alacrity. He was, too, peculiarly efficient in inducing the militia of the county to embody for a special emergency. John Hogan was an active patriot, son-in-law of Thomas

Lloyd, and Senator from the county in 1779. Nathaniel Rochester was a merchant at Hillsboro, was made clerk of the county court in 1778, and at the end of the war removed to Maryland and still later to New York, where he was one of the founders of, and gave his name to, the city of Rochester.

The militia of the State was composed of all the effective men between the ages of sixteen and fifty. A brigade was composed of all the regiments within a judicial district, of which there were then six in the State. Counties, according to their size and population, had one or more regiments within their limits, and every regiment was divided into companies of fifty rank and file, at least, with two sergeants, two corporals, one drummer and one fifer. The companies were divided into four divisions, which were to draw lots for the first, second, third and fourth term to go on service, and were numbered accordingly. The accoutrements of individual militiaman were a good gun, shot bag, a powder horn and a cutlass or tomahawk. (24 S. R., 1.) In 1776 Orange was divided into two regiments, with John Cutler colonel of the Southern regiment, and James Saunders of the Northern. (10 C. R., 532.)

Besides innumerable skirmishes with the Tories in its own borders the Orange County militia participated in nearly all the important movements in the State and in South Carolina from Stono to Guilford Court House. After the surrender at Yorktown they were engaged solely in running down and capturing Tories, and in resisting the raids of the notorious partizan, David Fanning. The wise system under which the militia was called into active service, that is by turns in which only one-fourth of the working force of the people was diverted to military purposes at a time, enabled them after the disastrous drought of 1772, to make abundant harvests each year. This was the reason why

Hillsboro was made a concentration camp in 1779 and 1780 before and after Camden. This concentration of troops in their midst brought its own penalty to the people. There were many outrages committed upon them by these ill-disciplined troops in the way of illegal impressments and seizures. See Hillsboro, Colonial and Revolutionary, pages 75 and 76, for a description of these. After all the drafts thus made upon their patience by their own soldiery the people were to suffer still more from the coming of the enemy in February, 1781. The line of Cornwallis's retreat from the Dan was first southeast through Caswell, then almost due east, not far from what is now the Person county line, then southwest to Hillsboro. He entered that town February 20th, and made his headquarters there for six days. By the irony of fate he erected the King's standard in front of the court-house on February 22d, and the friends of Britain, most of them only nominally so, flocked into town to propitiate Cornwallis and his soldiers, and to see what was to be seen. A certain fearful looking for the judgment to come made nearly all of them content themselves with this and refuse to commit themselves further. Cornwallis soon found his position untenable. Greene had recrossed the Dan, Pickens had advanced from the west, and the British foragers were continually being harassed and cut off by parties of the Light Horse. Tarleton had failed in forming a junction with Colonel Pyle and his loyalists, and the latter's command had been cut to pieces by General Harry Lee at the famous Hacking Match. Besides the country about Hillsboro had been exhausted of supplies. Stedman, Cornwallis's Commissary, found some salt beef and pork and hogs in the town, upon which the army subsisted for a while, but he could get few cattle and those only by his cattle drivers going long distances. He was forced then to impress and kill the work oxen of the loyalists, and to make

a house to house visit in the town and to take from the inhabitants stores provided for their own sustenance, "many of whom," said he, "were greatly distressed by this measure." Lord Cornwallis was thus forced to depart from Hillsboro on the 25th. His route was the same as that taken by Tryon in 1771, and his next position was on the banks of the Great Alamance.

The Revolutionary War in the destruction of life and property seems very small when compared with modern wars, but its stupendous results give it a dignity and interest which no other contest, so small, has. I have not space to enter more fully into the share that the people of Orange had in it. At its end the population of North Carolina was at least 30 per cent greater than in 1770. See *Century of Population Growth* (recently published by the Federal Government), page 10. Probably in Orange County the increase was even greater. This came almost wholly from the excess of births over deaths, notwithstanding the destruction of life in the war. Nor is this all, the people came from the contest stronger, more energetic, more purposeful than when they entered it. Industrially, they were more efficient, while intellectually they were brighter and more resourceful. The period of their ancient prosperity extended from the end of the war to about 1795 or 1796, when Tennessee and Kentucky seemed to be attracting many of its most valuable citizens, while the period of its greatest depression extended from 1830 to 1840.

I shall conclude this sketch of the early history of the people of Orange with some account of an institution, about which little is known.

Even when the war was in progress and its outcome was necessarily doubtful to the most sanguine the minds of the Founders of the State were busily engaged upon schemes to advance the educational interests of the people of the State.

Among others was the incorporation in January, 1779, of Science Hall, an academy to be located at Hillsboro. (24 S. R., 250-1.) "Whereas," says the prelude to the act, "the proper education of youth in this State is highly necessary, and would answer the most valuable and beneficial purposes to this State and the good people thereof; and, Whereas, the neighborhood of Hillsborough from the healthfulness of its situation and the great plenty of provisions with which it abounds, is a fit and proper place to erect a seminary; and, Whereas, a number of gentlemen have, in order to promote and encourage such a valuable and beneficial establishment as the erecting of a seminary at the place, aforesaid, subscribed very considerable sums, which together with such sums as may be subscribed, will be sufficient to answer all the expense attending the same, therefore, be it enacted, etc." William Hooper, Alexander Martin, John Kinchen. Thomas Burke, Thomas Hart, Nathaniel Rochester, James Hogg and William Johnston, Esq., and Rev. Mr. Frazier were appointed trustees. Notwithstanding the subscriptions which were probably not collected, nothing of any moment seems to have been done in pursuance of the act, until November, 1782, when another subscription was started. It seems that commissioners under the confiscation acts were about to sell certain lands in the neighborhood, the property of the Loyalist, Andrew Mitchell, and the object of the subscription was to provide funds for the Trustees to invest in this land and hold for the benefit of the Academy. This scheme seems not to have been effective, so the subscriptions were renewed a year later. The list was headed by Alexander Martin with 30 pounds. Others subscribing £30 were John Penn, Thomas Burke, William Courtney, William Hooper and James Thackston. The other subscriptions. 67 in number, ran from the £1 of Richard Gott, through the £25 of John Hay and Richard Dobbs Spaight, to the

£40 of James Hogg and Joseph Hawkins, the grand total being £770 and 15 shillings. All of these subscriptions were payable on or before May 1, 1787. The following year, 1784, the charter of the Academy was amended. By section 6 of the amendatory act, old St. Matthew's Church was converted into a free church and academy. (24 S. R., 605-7): "By and with the consent of all persons having any right, title or interest in the church erected in the town of Hillsborough (already far gone to decay) such persons being of the Episcopal persuasion, and as such claiming an interest in the said church, such consent being first obtained by notice in writing promulgated in the most public part of the county, calling on such persons to object, if any objection they have upon such notice given, and no reasonable objection made, the said building with the ground upon which it stands shall be held and deemed to be invested in the said commissioners, for the uses and purposes following, to-wit: That the said church shall be, with as much economy and expedition as possible, put in decent repair; and so put in repair, shall on every Sunday in every year be open to the ministers of every sect and persuasion being Christians, there to inculcate the truths of their holy religion: Provided always, that every dispute relative to a preference to said church in officiating there by ministers of different, or the same, sects shall be determined by the said commissioners; and in any dispute between an Episcopalian and ministers of any other persuasion as to a preference to the pulpit, the former, circumstances being otherwise equal, shall be preferred, as the church was founded for the Episcopal persuasion, and to them by the constitution properly appertains." The surviving trustees or commissioners as they were called in the act of 1784, appointed in the act of 1779, were given authority to fill vacancies on account of death or removal. These survivors, James Hogg, William Hooper and William Johnston, met at the house of Mr. Hooper in

the latter part of the year 1784 and organized by the election of Mr. Hogg as Chairman, and Alfred Moore and Jesse Benton were elected trustees to fill vacancies caused by the death of Governor Burke and the removal of Thomas Hart. Mr. Benton was elected secretary and treasurer. The repairs upon the church, including securing the steeple, cost £120 and seem to have been completed by May, 1785. Solomon Pinto and Benjamin Perkins, graduates of the College of New Haven, were the first teachers, and among the first scholars were Thomas and William Hooper, A. De-Rossett, Richard Quince, Roger Hall, Charles Blount and Gavin Alves. The latter part of 1786, Benjamin Perkins, having an opportunity to improve his fortunes, removed elsewhere, and in the attempt to secure a suitable successor for him, Mr. Hooper wrote the following letter to Dr. John Witherspoon, of Princeton:

EDENTON, NOV. 7, 1786.

*Reverend Sir:*

Availing myself of the acquaintance with which you honoured me during the time we spent together formerly in Congress, and well aware of the very friendly disposition you entertain to every institution for the encouragement of literature, I take the liberty to call your attention to the Infant Academy of Hillsborough, in the State of North Carolina.

This Academy more than twelve months past was begun, and has hitherto been supported under the auspices, and by the private subscription, of several private gentlemen. Its progress has been equal to their utmost expectations and they are led to hope that the advantage which the State at large must soon derive from it will make it an object worthy the patronage and support of our Legislature. The tuition has been hitherto conducted by two young gentlemen of the College of New Haven, one of whom has lately left us in

the pursuit of more active employment. It has been his proper business to teach mathematics in the various branches, English grammatically, natural and experimental Philosophy and Geography. The gentleman who continues with us teaches the Greek and Latin Classics. Upon this vacancy having taken place, the Trustees have empowered me to employ some gentleman to fill the place, and I now beg leave to commit this charge, in the most unreserved manner, to you after premising only that it would be agreeable to us that he should have passed that time of life which might lead him to idleness, levity or dissipation. I have in general terms described what was the line of his predecessor. There are other parts of academical instruction which will readily suggest themselves to you, and which we wish he might possess, a knowledge of the French language would make him an important acquisition to us. His salary will be one hundred pounds sterling per annum. He must find his own drink, meat, washing and lodging, which will cost him about twenty-five pounds, this currency, yearly. Hillsboro, where this Academy is situated, is in the western part of the State, about 110 miles from the Seacoast, and from a residence of several years in it, I believe it to be as healthy as any part of this continent. The Trustees of this Academy are Alfred Moore, Attorney-General of the State; Alexander Martin, late Governor; General John Butler, James Hogg, Esq. (whom you know); James Iredell, Esq., Jesse Benton and myself, and are all resident in Hillsboro, or near it, except Mr. Iredell. I would advise that the gentlemen whom you make choice of should be in Hillsboro some time in January next, as the school vacation will begin in the middle of December and end in the month of January. Should the gentleman take a water passage and land in Edenton, New Bern or Wilmington, he may easily transport himself from either of these to Hillsboro, by making his purpose known to Mr. Iredell or Mr. Samuel Johnston at Edenton, your son at

New Bern, or John Huske, Esq., at Wilmington. I have the subject of this letter devotedly at heart and beg leave most earnestly to press it upon your attention. In expectation of hearing from you by the earliest occasion, I am, Reverend Sir,

Your most obedient, humble servant,

*Dr. Witherspoon.*

WILL. HOOPER.

There was considerable delay in securing the proper man on account of the difficulty of getting one to fill the specifications, and then after this difficulty was surmounted and one was selected and agreed to come, his salary was raised at Trenton, where he was, and he at the last moment declined the offer. At last, in February, 1787, Dr. Witherspoon secured a satisfactory young man and he was forwarded, via New York, care of Messrs. William Blount and Benjamin Hawkins, Members of Congress, to Judge Iredell at Edenton. Judge Iredell, upon the young man's arrival at the latter place, sent him on to Hillsboro, bearing the following letter to Mr. Hooper:

EDENTON, March 17, 1787.

*My Dear Sir:*

I congratulate you on the acquisition of the young gentleman to the Academy, who will deliver you this letter. His name is Squires, and besides the recommendations the inclosed letters give of him, he appears to me upon an acquaintance of a fortnight, during which I have seen him for the greatest part of every day, a very deserving young man—studious to a degree and though a little pedantic, as most young collegians are, lively and agreeable in his disposition, with (if I mistake not) a very excellent heart. I hope you will consider it a strong proof of my fidelity to the Hillsboro Academy that I have not attempted to intercept him. I am sure my whole family as well as myself will part with

him with great regret. It has given me extreme concern that he could not be despatched earlier, but this country, which never abounded in good horses, seems now worse off than ever. Would to God I could have supplied him clear of expense, I should have been most happy in doing it. I have advanced him \$15, two-thirds in hard money to pay for his passage, and £15 in paper. The double chair is hired at 3 shillings for the journey. Mr. Macnair furnishes him with a horse as high as Mr. John Johnston's, in which neighborhood Mr. Johnston thinks he can get another. I could not hire one for him either here or at Ryans. The inclosed letters of Witherspoon and the Delegates I only received yesterday and have not answered."

The remainder of the letter does not concern the School.

The new teacher, who was burdened with the not very euphonious name of Zadoc Squires, remained with the Academy until his death late in 1789. The routine of the day's work was fixed by the Trustees. From April 1st to November 1st in each and every year, open at 7 A. M., study until 9, recess for an hour, study from 10 to 12:30 P. M., recess until 3 P. M., study until 5 P. M. The rate of tuition was £3, 6 shillings and 8 pence at the beginning, the same in the middle, and the same at the end, of the term. Though the Trustees when they first took charge of the church had it repaired at a cost of £20, in 1786 they found it necessary to have the steeple taken down. It was at this time that the clock, which had been in the steeple of the church was removed to the cupola of the market house.

Besides the fees from students and private subscriptions the Academy had occasional gifts, which showed the interest of the public in it. William Johnston, who died in 1785, bequeathed it £100 in his will, and Jesse Benton, who had come in contact with that firebrand, Colonel William Shepperd, very much to his injury, devoted the damages he

recovered in an action for the assault, £50, to the same good uses. It is quite probable, too, that both before and after his father's death Thomas Hart Benton attended this school. I have been unable to ascertain when it ceased to exist. It is probable that it did not long survive the death of Mr. Hooper in 1790 and that of Mr. Benton in 1791.

Having thus been dealing with the past, permit me for a moment, in conclusion, to say something of the present. If in this taking of stock we shall find that the past was more honest, more patriotic, more public-spirited than the present we shall know that there is something wrong at the core of our being. The present of a virile people is always better than its past. The people of North Carolina have nothing to fear from a comparison of their present with their past, great though that past is in some particulars. The public life of the State is freer from graft and from self-seeking, and is more singly directed towards securing the welfare of the people at large than it was in the Revolutionary or post-Revolutionary periods. Our public men, now, are as patriotic and wise as they were then, but, with a wider vision, they are much more sympathetic with the higher and nobler aspirations of the masses. To them equal opportunity for all is not a barren theory, but an ever-living, burning truth—an eternal principle that inspires all their acts. They are also cleaner, more sober, more moral, more honest, in their private life. And what a wonderful improvement there has been in the private life of the people themselves! Then, whole communities living in drunkenness and immorality and debauchery; now, the same communities, sitting clothed and in their right minds, regarding the future with calm and confident hope for themselves and their children, a church here and a schoolhouse yonder, and both open to them and to all of them, without money and without price. No, North Carolina has nothing to fear from a comparison of its present with its past.

# INFORMATION

## Concerning *the* Patriotic Society

### "Daughters of *the* Revolution"

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

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### "*The* North Carolina Society"

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

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### Membership and Qualifications

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

The chief work of the North Carolina Society for the past 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.

*The*  
NORTH CAROLINA BOOKLET

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

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# THE NORTH CAROLINA BOOKLET

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## THE CROATANS

BY HAMILTON McMILLAN.

Geologists tell us that running through North Carolina is an ancient coast line, stretching from Northeast to Southwest and nearly parallel with the present Atlantic coast. West of this line is the hill country, gradually rising in elevation till we reach the mountains. Beginning at the Catawba River, this ancient coast line runs north of Cheraw and Bennettsville in South Carolina, east of Laurinburg, north of Maxton, east of Red Springs, west of Hope Mills and Fayetteville, crosses the Cape Fear River at Averasboro and trends in a northeast direction to the Virginia State line.

In the remote past there was a time when the ocean covered all that part of North Carolina east of this line, when the waves beat upon Haymount at Fayetteville and great whales sported in the shallow ocean. The survey of the Cape Fear and Yadkin Valley Railroad developed the fact that the roadbed at Fayetteville and Hope Mills was about 176 feet above sea level.

That this ocean bed was once elevated and again depressed is abundantly proven by the buried forests on Rockfish Creek, and in Pender County at Rocky Point, and by a brick building found buried under many feet of stratified earth at Cronly, in Brunswick County. We once saw a human skeleton exhumed at Hope Mills at a depth of sixteen feet beneath stratified earth.

The elevation of the land was not sudden, as the lowlands

and second lands on the Cape Fear evidently mark great pauses in the elevation.

Along the beach of this ancient coast line runs what is known as the Lowrie Road. This road in the early settlement of this country was only a great Indian trail, which became the great route of travel towards the Southwest. This road was straightened in 1817 by General Bernard, who was employed by the United States to superintend the mail routes through North and South Carolina. The location of this road along the beach of this ancient coast line would indicate its great antiquity.

John Lederer, a German traveler in the employment of Governor Berkeley, of Virginia, after traveling across the western portion of our State and visiting the Saura Indians in South Carolina, on his return evidently traveled the Lowrie Road on his return to Virginia through the "pine barrens" of our State.

The Cherokee Indians, embracing numerous tribes, had their principal seats in the mountains, and various tribes, acknowledging their supremacy, occupied the eastern part of our State as hunting grounds, and in some instances made permanent settlements. These Indians had many roads leading from the mountains to the Atlantic coast. One of these roads extended from the mountains through the present counties of Buncombe, Lincoln, Mecklenburg, Union, Anson and Robeson, and uniting with the Great Lowrie Road at or near Fayetteville, and from its junction extending towards "Roanoke," the region adjacent to Pamlico Sound. Another great road led from the mountains and united with the Lowrie at Fayetteville, and now known as the Yadkin Road.

Commencing with the Saura Indians, and extending along this ancient trail leading to "Roanoke," there were the Cheraws, Chickoras, Mellattaws, Croatans and Tuscaroras.

All the tribes along this line, so far as we can ascertain, acknowledged the supremacy of the Cherokee nation, with the exception of the Tuscaroras. The Mellattaws had also a great trail leading from the mountains towards the Southeast, coming down through the present county of Randolph, where a branch road led towards the Roanoke River and another passed through Moore, Cumberland and Robeson counties, crossing the Lowrie trail near the present town of Maxton, and reaching the coast near Lockwoods Folly in Brunswick County. This Mellattaw tribe emigrated to the Southwest and gave our army serious trouble about the time of the Fort Mims massacre. (*Vide* Pickett's *His. of Ala.*)

From the earliest settlement in Robeson County the Croatans have occupied a large territory, principally along the Lumber River. They are evidently of Indian origin, possess Indian traits, and claim that their ancestors were originally Cherokees, who dwelt in Eastern Carolina, or, as they express it, in "Roanoke, in Virginia." It was first supposed that they lived on Roanoke Island, but later developments show that the region they call *Roanoke* embraces all the territory adjacent to Pamlico Sound. It is worthy of note that the chronicles of the tribe call the sound Pamteeco, with the accent on the penult syllable. These people were known in the 16th and 17th centuries as Croatans from their occupation of Croatan Island, now a part of Carteret County, and were so designated in the act of the North Carolina General Assembly in 1885. When first known to the early white settlers in this region they spoke English, and in many instances had English family names identical with those of the "lost colony" of Roanoke. They have in common use many English words which are now obsolete in English-speaking countries, but which were used in the days of Chaucer. In addressing a stranger they use the old Saxon word, *Mon*. They speak of houses as *housen* and use *mension* for measure-

ment. They are familiar with the story of Virginia Dare, and they strenuously claim that the name was pronounced Darr; others claim that it was pronounced Dorr, and still others pronounce it Durr. The muster roll of a company from this tribe in the War of 1812 shows the name as Dorr. The Durrs of Lincoln County are claimed as descendants of Virginia Dare. The chroniclers who keep the traditions of the tribe speak of themselves as "Melungeons." This singular name is supposed to have been given them by the Swiss-French, who settled in the region adjacent to them, and as they were a mixed race they were called Melange, and the descendants of the Melange were called Melange-ans, and the change from Melange-an to Melungeon would be easy.

The tribe in Robeson, according to the census of 1890, numbered 3,640. The census of 1910 will probably show an increased number.

The act of Assembly in 1885 gave this tribe separate schools and a separate school census, and in 1887 a Normal School for the education of teachers of their race was granted them, and this school, located at Pembroke, in Robeson County, is in a flourishing condition. A great change has occurred among these people during the past twenty years. Better farms, with better houses and with many improvements in their mode of living, are visible in all parts of their territory. Almost universally they are landowners, cultivate small farms, raise cotton, tobacco and corn principally, and give evidence of great improvement over their former modes of living. All their traditions point to the region west of Pamlico as the residence of their ancestors. They are very reticent as to their past history when approached by strangers, and it is only after persistent inquiry that desired information is obtained. They have traditions leading the inquirer to infer that they once had Christian churches at several points along the great roads leading from "Roanoke" towards

the Southwest. One of these churches, according to tradition, was located near the Lowrie Road, near Rockfish Creek, in Cumberland County. An aged citizen of Cumberland remembered seeing the walls of this church, known as the "Indian Walls," from 1812 till 1837, when the material was used in building the basement of the Rockfish cotton factory. In 1865 the factory was burned by General Sherman, but the present building was erected on the rock basement, which was not injured. The material used in building this church was red sandstone, but the quarry whence the material was obtained has never been discovered.

Colonel Byrd describes the caravans that left the Roanoke region as consisting of 150 to 200 horses loaded with guns, ammunition, cloth, iron tomahawks and other merchandise to trade with the Indians to the Southwest in exchange for peltries of various kinds. Ministers of the gospel frequently attended these expeditions and preached at intervals along the route.

One of these ministers was a Frenchman named De Richebourg; and ex-Governor Swain, who investigated the tradition concerning him, found that he died during one of these expeditions on the Catawba River, and that some of his descendants were then living in Buncombe County.

During the past century large numbers of Croatans have emigrated to the Southwest. A colony, consisting of about forty families, attempted to settle in Indiana, but the laws of that State did not permit "free persons of color" to settle there, and many returned to Robeson County, while others joined a tribe of Indians near Lake Michigan. Descendants of these Indians often visit their relatives in Robeson. There is communication also with the Cherokees in the Indian Territory. We have found only three family names among this people that are Indian, all others being English and French.

Along the Lowrie Road are many mounds, generally circular and raised a few feet above the general surface. Several have been examined, and in every instance the skeletons are those of adults and the skulls are Caucasian in type. Stone hatchets and flint arrowpoints are found in various places, but there is no evidence, by tradition or otherwise, that these Indians ever used them. Flint arrowpoints are found all over the American continent, in the British Isles, in the bone caverns of France and Germany, in Canada, in Italy and in China, similar to those found here. Clay pottery found here is of more recent date and was probably used by these Indians in former times. The Cherokees were an agricultural people, and it is certain that their clay pottery was ornamented by rolling ears of corn over the material when in a plastic state.

The Croatans have given Hiram R. Revels to the United States Senate. John S. Leary graduated at Howard University, and represented Cumberland County in the General Assembly, and for several years was Dean of the Law School at Shaw University at Raleigh. He was considered an able lawyer. Two natives of the Croatan tribe are now wealthy merchants in Florida, while another, who invested in mining property in New Mexico, is reputed to be a millionaire.

In matters of religion they are divided into Baptists, Methodists and Presbyterians. They have a sect among them known as the Indian Mission. They have about twenty churches, which are supplied by their own ministers.

Up to the year 1835 the Croatans attended the schools with the whites, mustered in the militia and exercised the right of suffrage equally with white men, but to effect a political purpose it was contended that they were "free persons of color," and in Robeson County only they were disfranchised. They were not allowed to attend the schools, and in consequence hundreds of them grew to manhood and womanhood

in perfect ignorance of books. In 1868 the public schools were opened, but they preferred ignorance to association with the colored race. Since they have had separate schools they have shown great interest in the education of their children. They retain many customs handed down from their English and Indian ancestors. In an old medical work, brought to America by someone of the early colonists, and still preserved, are found many singular remedies for various diseases, and these same remedies are used at this time by these people. They have the old English cross-bow, and old-fashioned handmills for grinding corn, which have evidently been used for many generations.

In view of the great improvement of this tribe during the past twenty years we predict a bright future for the Croatans.

## STATE AID TO TRANSPORTATION IN NORTH CAROLINA

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BY J. ALLEN MORGAN

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### THE PRE-RAILROAD ERA (1776-1835)

#### CHAPTER I

##### ANTECEDENTS OF STATE AID (1776-1815)

The development of both the internal and the foreign trade of North Carolina, and the growth of commercial centers within the State, were retarded in the years immediately following the separation from England, as in the colonial period, by the peculiar topography of the State. Of its four principal rivers which do not flow through South Carolina—the Roanoke, the Tar, the Neuse and the Cape Fear—only the last empties directly into the ocean. At this time the inlet at the mouth of the Cape Fear, although superior to Ocracoke Inlet, through which the maritime commerce of the other three rivers had to pass, was greatly limited in its usefulness by reason of the “flats” which obstructed navigation between Wilmington and the Atlantic. And the latter inlet was too shallow to admit any save the smaller sea-going vessels, while its location was most unfavorable to the trade of the northeastern part of the State. The other inlets worthy of consideration—Old Topsail, at Beaufort, and Bogue—could only become important in connection with artificial waterways or with land routes.<sup>1</sup> Moreover, the navigation of all the principal rivers being obstructed by the granite ledge which crosses the State almost parallel with the coast line, and about one hundred and fifty miles distant,

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<sup>1</sup>Cf. A. D. Murphy, *Memoir on the Internal Improvements contemplated by the Legislature of North Carolina; and on the Resources and Finances of the State, 1819*, pp. 21-30.

the western part of the State was in a large measure cut off from all ports within and without North Carolina.

It was evident, then, that the work of providing the necessary waterways in an efficient transportation system would be relatively expensive in any case, and to so relate the various trade routes as to confine the commerce of the State chiefly to home markets would be all the more costly.

Whether a task involving the expenditure of such large sums of money was to be left wholly to unaided private enterprise, or whether it would be undertaken by the State, either in co-operation with individuals and corporations or alone, was merely a question of expediency, there being no constitutional prohibition against the latter alternative.<sup>1</sup>

At first the State showed no disposition to make a radical departure from the policy which obtained before the Revolution. The colonial system of opening and repairing public roads, with only slight and unimportant modifications, was therefore retained.<sup>2</sup> Local overseers were appointed by the county courts of Pleas and Quarter Sessions, under whose direction the work in each locality was performed by the male citizens of certain ages; and under the same supervision was performed whatever work was undertaken for the purpose of keeping the rivers free from obstructions to navigation. All these were public highways.

Recognition of the inadequacy of this colonial system of providing transportation soon led to the demand for improved facilities. Scarcely was the independence of the State achieved when Governor Martin, in his message to the Legislature, declared: "The Trade and Navigation of this country is of lasting consequence, and requires your immediate interposition and patronage. It is necessary our rivers be rendered more navigable, our roads opened and supported."<sup>3</sup>

<sup>1</sup>Poore, *Charters and Constitutions*, Pt. 2, p. 1409.

<sup>2</sup>Laws, 1784, ch. 14 (*State Records*, Vol. XXIV, p. 674).

<sup>3</sup>House Journal, Apr. 20, 1784 (*Ibid.*, Vol. XIX, p. 498).

\* \* \* Just what was meant by the general terms legislative "interposition and patronage" may be a subject of dispute. But whatever their meaning, in his next message the Governor again presented trade and navigation as "great objects of legislative attention,"<sup>1</sup> while in his message of 1791 is found what is perhaps a more explicit statement of his views. "The internal Navigation of the State," he said, "still requires Legislative assistance, our sister states are emulous with each other in opening their rivers and cutting canals, while attempts of this kind are but feebly aided among us. Though laws are passed for this purpose, they are not properly executed."<sup>2</sup>

Although mention was made in this message of the need for competent superintendents, "with powers to draw forth the aid mentioned in the laws," it can scarcely be claimed that this was a reference to legislative appropriations.<sup>3</sup> The Governor's only unmistakable reference to public aid is found in his recommendation that criminals under capital condemnation and whose particular cases merited clemency might, with qualified pardons, be made to labor at the work contemplated.

For a decade thereafter, with a single exception,<sup>4</sup> the subject received but little, if any, definite recognition in the Governors' messages. But in 1802 Governor Williams again brought to the attention of the Legislature the need for better transportation, and this example was followed in nearly every message for the succeeding decade.<sup>5</sup> It was in 1806, about the middle of this latter period of renewed discussion, that the first definite recommendation of direct State aid to the cause was made by the executive, in these words: "The

<sup>1</sup>House Journal, Oct. 26, 1784, *Ibid.*, p. 726.

<sup>2</sup>House Journal, Dec. 6, 1791.

<sup>3</sup>The "aid mentioned in the laws" was the donations of individuals. *Infra.*, p. 126, footnote.

<sup>4</sup>House Journal, Nov. 16, 1792.

<sup>5</sup>*Ibid.*, Nov. 18, 1802; Nov. 22, 1803; Nov. 24, 1804; Nov. 19, 1805; Nov. 19, 1806; Nov. 18, 1807; Nov. 23, 1808; Nov. 22, 1809; Nov. 18, 1812.

natural situation of the State being unfavorable to commerce, it is of the greatest importance that liberal provision should be made for the internal improvements, particularly for the establishment of good public roads, and the extension of our inland navigation. Nothing can be more congenial to the spirit of a republican government than the application of the resources derived from all to the benefit of all."<sup>1</sup>

The frequency with which the need for more adequate transportation was called to the attention of the Legislature in this period shows clearly that the matter had become one of grave concern to many of the leading citizens of North Carolina. But that the State was unable at this time to make, in response to Governor Alexander's recommendation, any very considerable appropriations to internal improvement undertakings, without involving the public credit or increasing the taxes, can scarcely be questioned.<sup>2</sup> And whether the small amount which might have been so devoted would have been wisely expended, it would be useless here to surmise. The unwillingness of the Legislature to appropriate any part of the State's revenue for such purposes is clearly enough shown by the fact that prior to 1815 the work of internal improvement was left wholly to private enterprise.<sup>3</sup> Nevertheless the most liberal franchises were granted

<sup>1</sup>Governor Alexander's Message, House Journal, Nov. 19, 1806.

<sup>2</sup>The total receipts of the Treasury in 1801 were £20,324, and in 1814 they were about two and a half times as large.—Comptroller's statement appended to Laws of 1802; Treasurer's Report, House Journal, Dec. 7, 1814.

<sup>3</sup>Memoir, *op. cit.*, p. 11. This statement is contradicted by C. C. Weaver, who has claimed that prior to 1815 the "State had given aid."—History of Internal Improvements in North Carolina previous to 1860, p. 1.

Cf. also, "The State \* \* \* entered into co-partnership with individuals and with companies for the building of canals and the deepening of harbors, the improvement of public highways, and the advancement of public intercourse."—W. E. Dodd, Life of Nathaniel Macon, p. 52.

It is true that by an act of 1786 the Commissioners of Navigation and Pilotage of the Cape Fear River were authorized to prescribe fines for the violation of their regulations, which fines, when collected by the Commissioners, were to be expended on the improvement of the river.—Laws, 1786, ch. 50, sec. 2 (State Records, Vol. XXIV, p. 851). And fines imposed for the failure to perform on this river the work required of those whose duty it was to remove obstructions were similarly appropriated.—Laws, 1793, ch. 34, sec. 3. Somewhat similar fines were likewise appropriated in part to the improvement of the Neuse River.—Laws, 1811, ch. 26. And by the act of 1812 incorporating the Neuse River Navigation Company the State reserved till Jan. 1, 1814, the privilege of subscribing one-fifth of the authorized capital of \$50,000.—Laws, ch. 89.

No records available to the writer show whether any fines were collected under these laws. But the authorized subscription of stock, it is well known, was not made.

to corporations, in an attempt thereby to make the construction of toll roads and canals and the improvement of river navigation attractive fields for the investment of private capital; and unstinted encouragement was extended to the numerous commissions appointed by the Legislature, whose duty it was to solicit and receive donations from public-spirited citizens, these gifts to be expended in the development of public highways.<sup>1</sup>

Just what were the results by 1815 of this early legislation it is impossible to say. Only a few of the companies seem to have succeeded in raising the subscriptions necessary for their incorporation. Of these the Neuse River Navigation Company, the Cape Fear Navigation Company, the Roanoke Company, and the Clubfoot and Harlowe's Creek and the Dismal Swamp Canal companies—the purpose of the former being to connect Neuse River with the harbor at Beaufort, the latter to connect Pasquotank River in North Carolina with Elizabeth River in Virginia—were the most important. The Dismal Swamp Canal had been opened, and one-fourth of the work to be done on the Clubfoot and Harlowe's Creek Canal was said to have been completed,<sup>2</sup> while the improve-

<sup>1</sup>There was an abundance of this private legislation. The construction of ten toll roads by individuals, in whom the property rights of the roads were vested for periods varying from twenty-five to ninety-nine years, was authorized.—Laws, 1784, ch. 66; 1787, ch. 25; 1792, ch. 46; 1794, ch. 77; 1804, ch. 4; 1807, ch. 28; 1809, ch. 34; 1812, ch. 27; 1813, chs. 21, 24.

Similar provisions were made for the building of toll bridges.—Laws 1782, ch. 33; 1784, chs. 64, 65; 1810, ch. 33; 1812, ch. 26.

Twelve canal companies were incorporated.—Laws, 1784, ch. 63; 1790, ch. 26; 1795, ch. 23; 1796, ch. 20; 1798, ch. 40; 1804, chs. 34, 39; 1805, ch. 23; 1803, ch. 33; 1810, chs. 25, 29; 1813, ch. 28. Eight Commissioners were appointed to receive donations for the purpose of constructing canals.—Laws, 1786, chs. 29, 70; 1792, ch. 27; 1800, ch. 31; 1810, chs. 29, 31; 1811, chs. 27, 29.

Fifteen charters were issued to navigation companies, in whom the property rights of the navigation concerned were vested.—Laws, 1787, ch. 37; 1788, ch. 16; 1790, ch. 32; 1796, chs. 13, 21, 26, 34; 1800, ch. 29; 1801, ch. 99; 1804, ch. 40; 1805, ch. 22; 1806, ch. 24; 1807, ch. 25; 1811, ch. 30. And a larger number of commissions were appointed for the purpose of improving the navigation of rivers. In some cases these were incorporated, but there was no vesting of property rights.—Laws, 1784, chs. 37, 38, 39, 42; 1788, ch. 22; 1791, ch. 40; 1794, ch. 94; 1796, ch. 41; 1800, ch. 32; 1803, ch. 81; 1804, ch. 38; 1806, ch. 22; 1807, chs. 26, 31; 1810, ch. 28; 1811, ch. 23; 1812, chs. 90, 91, 92.

<sup>2</sup>Raleigh Star, May 19, 1815.

ments made in the navigation of the Catawba River, whatever these may have been, surpassed the achievements of any other company engaged in similar undertakings.<sup>1</sup>

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## CHAPTER II

### INITIATION OF THE POLICY OF STATE AID (1815-1819)

The year 1815 marks the beginning of the abandonment of the policy of merely granting charters and relying on unaided private enterprise for the development of transportation. The principal reasons for this break with the past were: (1) The desire (a) to develop the resources of the State, and (b) to establish home markets; and (2) the failure of unaided private enterprise to achieve satisfactory results.

The joint select committee on inland navigation, in its report to the Legislature in 1815, said that to delay efficient provision for inland navigation was "to postpone that natural wealth, respectability and importance which follow only in the train of great internal improvements."<sup>2</sup> The committee estimated the number of persons emigrating from North Carolina to the West during the preceding twenty-five years to be more than two hundred thousand, and a member of the committee was of the opinion four years later that half a million North Carolinians had gone "to people the Wilderness of the West."<sup>3</sup> This notable emigration was attributed mainly to the lack of adequate transportation at home. "In this state of things," continued the committee, "our agriculture is at a stand; and \* \* \* men are seeking the

<sup>1</sup>Report of Committee on Inland Navigation, Senate Journal, Dec. 6, 1815.

<sup>2</sup>*Ibid.*

<sup>3</sup>Memoir, p. 5. These estimates cannot be verified. Not until 1850 did the census begin to present statistics relative to interstate migration. At this time thirty-one per cent of the free natives of North Carolina living in the United States were residents of other States. The corresponding percentages for Virginia and South Carolina were twenty-six and thirty-six respectively.—Report of the Superintendent of the Census, Dec. 1, 1852, p. 15.

way to wealth through all the devious paths of speculation.  
\* \* \* This perversion of things is gradually undermining our morality."

The exact nature and extent of the resources of the State were, of course, unknown, but North Carolina was not keeping pace with many other States in developing the resources known to be available. The evil was a growing one—the more the industries of the State suffered because of inadequate transportation or for other reasons, the larger became the tide of emigrants, whose departure thinned the ranks of those left behind to overcome the depression. There was, very naturally, most anxiety concerning agricultural interests. But mining and manufacturing were not wholly overlooked,<sup>1</sup> and some even considered manufacturing of first importance—manufactures, being less bulky comparatively than the products of farms and mines, would, it was claimed, require less extensive transportation routes.<sup>2</sup>

The dependence of North Carolina so largely on Virginia and South Carolina, especially the former, for markets had long been a source of regret. The inevitable growth of commercial towns within the State, which would follow the proper development of transportation, was now presented as an important reason why the Legislature should begin at once to prosecute the work of internal improvement.<sup>3</sup> This jealousy of rival markets in neighboring States was not new; it had been clearly exemplified in 1786, when the proposed charter of the Dismal Swamp Canal Company, having been authorized by the Legislature of Virginia, was first considered by the Legislature of North Carolina. Governor Cas-

<sup>1</sup>An interesting attempt to take a census of North Carolina's manufactures was made in 1810. The results were recorded in a "Report of Manufactures within the State of North Carolina, according to the returns made to Beverly Daniel by the persons appointed to take the late census in the several counties."—*Raleigh Register*, Feb. 14, 1811. The total value of the manufactures was given as \$4,811,319, cloth being the most important product, valued at \$2,591,817. The output of whiskey and brandy was valued at \$700,105, and the iron output at \$150,000.

<sup>2</sup>*Register*, March 14, 1811.

<sup>3</sup>Report of Committee on Inland Navigation. *Op. cit.*

well told this body that its assent to the Virginia act would be advantageous to the sister State at the expense of North Carolina.<sup>1</sup> Influenced, doubtless, by this suggestion, the Legislature refused its assent<sup>2</sup>; and it was not until 1790, after repeated rejections of the proposed charter, that North Carolina co-operated with Virginia in authorizing the construction of the canal.<sup>3</sup> Nor was Caswell the only Governor in this period to lament the commercial dependence of North Carolina on neighboring States.<sup>4</sup>

If private enterprise, however, had succeeded in accomplishing the ends for which the companies were chartered, or had promised to succeed with reasonable promptness, there is little reason to think the State would have chosen to supplant it. But it did neither. And even had the prospect of immediate gain been sufficient to attract the necessary private capital into these undertakings, each enterprise would have been prosecuted with regard, primarily, to the interests of those furnishing the capital, and not with the purpose of so relating the separate routes to one another as to constitute an effective State system.

Moreover, the restoration of peace after a war that had been costly to North Carolina, the lessening of party strife,<sup>5</sup> the fact that the receipts of the public treasury had trebled since the beginning of the century,<sup>6</sup> and the example of other States which were supplementing private enterprise in various internal improvement undertakings<sup>7</sup>—all these, it seemed, helped to make this a fitting time for the State to adopt the policy of aiding the work of its internal development, hitherto so feebly prosecuted.

<sup>1</sup>House Journal, Nov. 20, 1786.

<sup>2</sup>State Records, Vol. XVIII, p. VIII.

<sup>3</sup>Laws, 1790, ch. 26.

<sup>4</sup>House Journal, Nov. 18, 1802.

<sup>5</sup>A. D. Murphey, Report on Education, 1817 (C. L. Coon, Documentary History of Education in North Carolina prior to 1840, Vol. I, p. 123). Cf. Memoir, p. 6.

<sup>6</sup>Comptroller's Statement, 1802; Treasurer's Report, House Journal, Nov. 29, 1815.

<sup>7</sup>Memoir, p. 11.

While the forces favoring a direct participation by the State in the efforts to provide more adequate transportation were quietly increasing in potency, the newspapers of the period voiced no demand on the part of the people for a change in policy; nor was there any unusual emphasis on transportation in Governor Miller's message in 1815—he merely repeated the time-worn appeal.<sup>1</sup> To some leaders in the Legislature, however, the time seemed ripe for the State to come to the rescue. The most active and untiring advocate of the proposed policy was Archibald D. Murphey, Senator from Orange. Very early in the session, on Murphey's motion, the Senate resolved, "that it is expedient to provide more efficiently for the inland navigation of this State," and that the resolution be referred to a joint select committee,<sup>2</sup> the House concurring.<sup>3</sup> In the report of this committee, of which Murphey was chairman, was embodied a plan which contemplated the incorporating of companies, with unlimited franchises, for the purpose of improving the navigation of the principal rivers, the tolls to be restricted so as to yield no more than fifteen per cent on the capital invested; the State was to subscribe one-third of the capital stock of each company; and a board of commissioners should superintend the work of the companies, employ civil engineers, direct surveys and make annual reports to the Legislature.<sup>4</sup> This report, together with a resolution "that it is expedient to provide by law for carrying into effect the plan proposed," was adopted by the Senate and sent to the House, where after a lengthy discussion it was rejected by a vote of 52 to 73.<sup>5</sup>

Although the temper of the House, as shown in its rejection of the report, was not favorable to a comprehensive

<sup>1</sup>House Journal, 1815, p. 5.

<sup>2</sup>Journal, Nov. 22, 1815.

<sup>3</sup>Journal, Nov. 27, 1815.

<sup>4</sup>Senate Journal, Dec. 6, 1815, Cf. Memoir, p. 12.

<sup>5</sup>Journal, Dec. 12, 1815.

policy of State aid, the friends of the proposed plan were not ready to abandon it wholly. Almost immediately, again on Murphey's motion, the Senate proposed the appointment of commissioners who should have surveys made, at the State's expense, of the Tar, the Neuse and the Yadkin rivers,<sup>1</sup> for the purpose of ascertaining what part of each might be made navigable, and also a survey of a canal route between the Yadkin and the Cape Fear rivers.<sup>2</sup> This resolution met little opposition in the House.<sup>3</sup>

The friends of the new policy proceeded next to secure amendments to the charters of the Roanoke and the Cape Fear Navigation Companies and pledges therewith of State subscriptions of stock. The Senate bill concerning the former company provided for an increase in the authorized capital from \$100,000, as allowed by the charter of 1812,<sup>4</sup> to \$300,000, one-third of which was to be subscribed by the State. The House at first rejected bodily the provision for the State subscription but later agreed to a subscription of one-fourth the number of shares originally proposed, or one-twelfth of the whole.<sup>5</sup>

The Senate bill, which was intended to authorize an increase in the capital of the Deep and Haw River Navigation Company from \$8,000<sup>6</sup> to \$100,000, one-fourth of which was to be subscribed by the State, and to change the name to the Cape Fear Navigation Company, met no less opposition in the House than had been encountered by the bill concerning the Roanoke Navigation Company, and it became a law providing for a State subscription of only \$15,000.<sup>7</sup>

<sup>1</sup>Murphey includes also the Roanoke, the Cape Fear and the Catawba rivers.—*Memorial*, p. 13.

<sup>2</sup>*Journal*, Dec. 16, 1815.

<sup>3</sup>*Journal*, Dec. 19, 1815.

<sup>4</sup>*Laws*, 1812, ch. 83.

<sup>5</sup>*Journal*, Dec. 19, 1815; *Laws*, 1815, ch. 13.

<sup>6</sup>*Laws*, 1796, ch. 21.

<sup>7</sup>*House Journal*, Dec. 19, 20, 1815; *Senate Journal*, Dec. 20, 1815; *Laws*, 1815, ch. 14. The section authorizing the State subscription was omitted by mistake from the printed laws of this session.—*Senate Journal*, Dec. 9, 1816.

By its rejection of the committee report the House had defeated the proposition for a general and systematic prosecution of the work of internal improvement under the direction of a State Board of Commissioners. But in the resolution authorizing surveys the committee secured perhaps all its plan had contemplated in this regard. Only two companies, however, were given the benefit of the proposed State subscriptions of stock, and the number of shares that might be subscribed was, in each case, much less than that originally proposed. Nevertheless, the Legislature of 1815 had made a beginning, and the advocates of State aid were encouraged, although their hardest work was in the future.

The report of the committee on inland navigation repeated, in 1816, the recommendation that a permanent supervisory board be appointed,<sup>1</sup> but nothing came of it at this session. State subscriptions of stock, however, to the amount of \$65,000, in four other river navigation companies and one canal company, were authorized<sup>2</sup>; and the resolutions directing surveys at the State's expense were continued in force, only the surveys of the Tar and the Neuse rivers having been completed.<sup>3</sup>

When the Legislature reassembled in 1817 Governor Miller approved the policy of State aid,<sup>4</sup> but the Treasurer, in his annual report, gave an unfavorable account of the works already undertaken.<sup>5</sup> Nevertheless, the committee on internal improvement finding, it was claimed, "that the mere adoption of efficient measures by the Legislature for internal improvement (had) given to the lands of the State an additional value of more than \$10,000,000," declared that every reason existed for proceeding with the work. "But the work will never proceed regularly," it continued, "until the State

<sup>1</sup>Senate Journal, Dec. 9, 1816.

<sup>2</sup>Laws, 1816, chs. 16, 23, 25, 35, 36.

<sup>3</sup>Senate Journal, Dec. 9, 1816; House Journal, Dec. 24, 1816. Cf. Memoir, p. 13.

<sup>4</sup>House Journal, Nov. 18, 1817.

<sup>5</sup>*Ibid.*, Dec. 2, 1817.

shall adopt a regular system of execution. The basis of this system must be a suitable fund and the application of this fund by a permanent board of commissioners." The committee therefore recommended the creation of a fund to consist of the State's stock in the Bank of New Bern and the Cape Fear Bank,<sup>1</sup> and in the several navigation companies, the proceeds of which should be applied by a board of commissioners to the work of internal improvement.<sup>2</sup> Whereupon, a bill embodying the provisions of this recommendation was introduced in the Senate. It passed two readings, but was defeated in the House by a close vote.<sup>3</sup>

In the following summer the committee in charge of the surveys, although unsuccessful in its efforts to engage the services of a civil engineer, having "secured the best talents possible," proceeded with the duties assigned it and reported the results to the Legislature at its next session.<sup>4</sup> The encouraging reports of several surveyors and the eagerness of the companies to proceed with the work made it all the more imperative, it was thought, that a special fund for the development of transportation be established. A renewal of the efforts to secure the establishment of such a fund followed, a bill for this purpose being introduced in the Senate by Murphey, of the committee on internal improvement.<sup>5</sup> It, as did the similar bill of 1817, passed the second reading by a small majority,<sup>6</sup> but was lost in the House.<sup>7</sup> Besides the authorizing of State subscriptions of stock in two canal companies, amounting to \$7,500,<sup>8</sup> no gains were made in the Legislature of 1818 for the policy of systematic State aid.

<sup>1</sup>The State owned 1,250 shares in each bank, of a total par value of \$250,000.

<sup>2</sup>Senate Journal, Dec. 5, 1817.

<sup>3</sup>*Ibid.*, Dec. 5, 12, 1817; House Journal, Dec. 12, 1817.

<sup>4</sup>Senate Journal, Nov. 28, 1818; *Ibid.*, p. 119.

<sup>5</sup>*Ibid.*, Dec. 3, 1818.

<sup>6</sup>*Ibid.*, Dec. 17, 1818.

<sup>7</sup>Journal, Dec. 24, 1818. The details of this bill are unknown. It is not found in the files of "rejected bills."

<sup>8</sup>Laws, 1818, chs. 41, 50.

In the spring of 1819, after fruitless efforts to engage a civil engineer in this country, the commission in charge of the surveys, directed by the Legislature, employed Hamilton Fulton, an Englishman. In obedience to the instructions of this committee, Fulton and his assistant examined the principal rivers of the State and the works then in progress thereon. A detailed report of these observations was made to the commission, in which Fulton expressed the belief that efficient inland navigation could be obtained at comparatively small cost.<sup>1</sup> And it was now that the new policy began to be advocated by the press of the State.<sup>2</sup>

In the fall of this year, 1819, the committee on internal improvement again recommended the creation of a special fund and the appointment of a supervisory board.<sup>3</sup>

The bill embodying the provisions recommended in the committee report had, as was to be expected, a fairly safe majority in its favor in the Senate<sup>4</sup>; and at last the House, too, fell in line and the bill passed, but with amendments materially reducing the size of the proposed fund.<sup>5</sup>

This act provided that the proceeds of the sale of the State lands recently purchased from the Cherokee Indians should constitute the fund. A board, consisting of the Governor of the State and six other members elected annually by the Legislature, was authorized to employ an engineer and surveyors, the engineer to exercise general supervision of the public works. The board was charged also with the duty of making such disposition of the fund as the Legislature might from time to time direct, and annual reports of its operations were to be made to the Legislature.<sup>6</sup>

The fund thus provided was merely a prospective one; the

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<sup>1</sup>"Report of the Commission appointed to have Sundry Surveys made," Dec. 1, 1819.

<sup>2</sup>*Register*, Oct. 1, 1819.

<sup>3</sup>Senate Journal, Dec. 1, 1819; House Journal, Dec. 2, 1819.

<sup>4</sup>Senate Journal, Dec. 21, 1819.

<sup>5</sup>House Journal, Dec. 20, 22, 1819.

<sup>6</sup>Laws, 1819, ch. 2.

lands to be sold contained about one million acres, although no accurate survey of them had been made, and their definite boundaries had not been established.<sup>1</sup> The act prescribing the mode of surveying and selling these lands fixed a minimum price of four, three and two dollars per acre, according to quality.<sup>2</sup> Even had this fund promised to be large—and it did not—no part of it was immediately available.

It may safely be assumed that the measure of success attained by the friends of State aid in the Legislature of 1819 was very largely due to the appearance of Murphey's Memoir in November of this year. Besides reviewing the internal improvement undertakings thitherto contemplated by the Legislature, the author presented a number of statistical tables designed to prove the ability of the State at that time to contribute liberally to the development of transportation. Altogether, the Memoir is the most significant contribution to the literature of our period in this field.

All that had been accomplished so far came as a result of compromise at every point. As a reward for their efforts the friends of the new movement could claim, at the close of the four years' struggle for a comprehensive policy of State aid, the creation of a small prospective fund and the appointment of a permanent board for its management. And State subscriptions to the stock of navigation and canal companies, amounting to \$112,500, had been authorized. Was this inadequate provision? Was it the outcome of unwise counsel that would have involved the State more deeply in expensive undertakings which were perchance, after all, the peculiar and rightful province of private capital? These questions may be best answered in the light of developments yet to be studied.

<sup>1</sup>These lands had been purchased in 1817, and title was to pass to the State by Jan. 1, 1821.—Memoir, p. 75.

<sup>2</sup>Laws, 1819, ch. 10.

## CHAPTER III

## EARLY EXECUTION OF THE POLICY OF STATE AID (1815-1835)

It was found desirable, for administrative purposes, when the initiation of the policy of State aid was being effected, to make the charters of the several companies in which the State was to become a shareholder as nearly uniform as possible. Consequently, the charters of the principal companies that had been granted prior to 1815 were amended. The Roanoke Navigation Company's charter of 1812,<sup>1</sup> as modified in 1815,<sup>2</sup> became a model after which other charters were patterned.<sup>3</sup> The earlier act vested forever in the company the property right in the works, exempted them from taxation, and fixed maximum tolls to be charged on goods carried through any of the company's works. The act of 1815 provided that the tolls should be so regulated from time to time as to prevent a larger annual return than fifteen per cent on the capital invested, and authorized the State Treasurer to vote on behalf of the State in meetings of the stockholders. The limitations now placed on the earnings of the company and the State's interest as a stockholder necessitated a more complete supervision of the company's accounts. It was required, therefore, that annual reports of the receipts and expenditures be made to the Secretary of State.

Early in 1820 the newly-created Board of Internal Improvement assumed its duties, but not under the most favorable conditions. As was to be expected, the fight between the friends and the opponents of the new policy was not abandoned with the achievement of partial success by the former in the years from 1815 to 1819. To achieve significant results under the new system, an increase of the internal

<sup>1</sup>Laws, 1812, ch. 88.

<sup>2</sup>*Ibid.*, 1815, ch. 13.

<sup>3</sup>*Ibid.*, chs. 14, 15, 23, 25, 35.

improvement fund was manifestly imperative; but for a time no general recognition of this fact, save by men in public positions, seems to have found expression. The Board of Internal Improvement, in its second annual report, recommended, since the fund was inadequate and not forthcoming, and since taxes were unpopular, that the State borrow a sum not exceeding \$500,000, assigning productive funds for the interest and providing a sinking fund.<sup>1</sup> This recommendation only resulted in an act adding to the internal improvement fund the dividends from the State's stock in the Bank of New Bern and the Cape Fear Bank.<sup>2</sup> The same recommendation in substance was repeated four years later,<sup>3</sup> and a similar one in 1830,<sup>4</sup> while in 1833 the board recommended the borrowing of \$6,000,000.<sup>5</sup> The Governors, too, repeatedly commended the policy of State aid after it had been in operation some years,<sup>6</sup> and even earlier the leading papers of the State gave it support, trying not only to encourage and to create in the public mind sentiments likewise favorable to the system, but to influence the Legislature as well.<sup>7</sup>

In the literature of the period favorable to State aid to transportation, the "Numbers of Carlton," by Dr. Joseph Caldwell, rank next in importance to Murphey's Memoir.<sup>8</sup>

The attitude of a few leaders towards such a question of State policy is less significant, however, than the popular interest which it arouses. Beginning in the late twenties and continuing through the rest of the period under discussion, in various parts of the State the advocates of a system of internal improvement met in conventions in which dis-

<sup>1</sup>Report of the Board, 1821, p. XXI.

<sup>2</sup>Laws, 1821, ch. 6.

<sup>3</sup>Report of the Board, 1825, p. 9.

<sup>4</sup>*Ibid.*, 1830, p. 8.

<sup>5</sup>*Ibid.*, 1833, p. 17.

<sup>6</sup>House Journal, Nov. 17, 1829; Nov. 22, 1831; Nov. 19, 1833; Nov. 18, 1834; Nov. 17, 1835.

<sup>7</sup>*Register*, Dec. 7, 1824; Dec. 10, 1824; June 13, 1826; Jan. 13, 1831; June 24, 1834; May 13, 1834; Dec. 9, 1834. *Star*, Feb. 21, 1833. *Carolina Watchman*, Aug. 31, 1833.

<sup>8</sup>A discussion of the "Numbers of Carlton" more properly belongs to a later chapter on railroads.

tricts, varying in size from a small rural community to an area embracing three-fourths of the State, were represented. Almost always these conventions commended the policy of State aid, in their resolutions or in their "addresses to the people." In 1833 it was claimed that all the numerous local meetings and the State conventions of the year advocated the proposed "two-fifths, three-fifths principle," whereby the State was to own forty per cent of the stock in the various companies engaged in the development of transportation.<sup>1</sup>

The more significant of these meetings were held towards the close of the pre-railroad era. In 1828, at a meeting in Chatham of delegates from four of the central counties, an address was issued in which, after noting the comparative backwardness of North Carolina in the provision for transportation, it was said: "To enter now the general market from our interior country, and cope with the prices, we must have railroads, or canals, or navigable rivers. \* \* \* Cotton is now about the only article which bears transportation. But it is much to be apprehended that even cotton will not long remain a source of profit in our present manner of conveyance."<sup>2</sup> In January of the following year, at Raleigh, was held a meeting of members of the Legislature and others, the chief result of which was the appointment of a central committee, and an auxiliary committee in each county of the State, whose duty it was to organize the forces favorable to systematic internal improvement.<sup>3</sup> The next notable meeting was held also in Raleigh, July 4, 1833, twenty counties, none west of Orange, being represented. In the address issued by this convention it was the declared purpose to arouse the people, for, it was claimed, the Legislature would aid if the

<sup>1</sup>Legislative Documents, 1833, No. 23, p. 7. For reports of conventions advocating State aid see: *Register*, June 23, 1829; Feb. 8, 1830; Sept. 9, 1830; Aug. 27, 1833; Sept. 3, 1833; Sept. 10, 1833; Dec. 9, 1834. Also, *Star*, Dec. 16, 23, 1831; *Carolina Watchman*, Oct. 26, 1833; *Western Carolinian*, Sept. 30, 1833; *North Carolina Standard*, July 17, 1834; *Greensboro Patriot*, Sept. 25, 1833.

<sup>2</sup>Xenodochy, Vol. IV.

<sup>3</sup>*Register*, Jan. 13, 30, 1829.

people demanded it.<sup>1</sup> In the following November delegates from forty-eight counties assembled in Raleigh, and with four dissenting delegations the convention adopted a memorial to the Legislature in which the construction, exclusively by the State, of four transportation lines, at an estimated cost of \$5,000,000, was advocated.<sup>2</sup>

The opposition to the policy of State aid also continued active throughout the period. But it found little expression in the newspapers. An open letter by "X," directed against schools and internal improvements, stands almost alone among such expressions of the conviction that the State should aid neither.<sup>3</sup> But however few were the newspaper contributions directed against the policy, its opponents made effective opposition in the Legislature to the scheme, both as it was and as its friends hoped to make it. When the board had been in existence but a year the House would have abolished it and turned the fund into the general treasury, but, as earlier, the Senate gave loyal support to the new movement, defeating the bill to repeal the act of 1819 by a vote of 36 to 21.<sup>4</sup> In the debate on this bill in the Senate the burden of the argument produced by the opponents of the policy was that the works were too expensive, and that their beneficial results would accrue very largely to the people of Virginia and South Carolina.<sup>5</sup> Similar efforts to repeal the act of 1819 creating the fund, and that of 1821 increasing it, were repeated and were similarly defeated, usually by the Senate.<sup>6</sup> Although these acts were not repealed, no further increase of the fund was possible. As a direct result of the policy of the obstructionists the Board suffered a marked

<sup>1</sup>*Ibid.*, July 30, 1833.

<sup>2</sup>*Ibid.*, Apr. 29, 1834; *Star*, Dec. 6, 13, 1833; *Legislative Documents*, 1833, No. 4.

<sup>3</sup>*Register*, Nov. 9, 1829.

<sup>4</sup>*Senate Journal*, Dec. 8, 1820.

<sup>5</sup>*Register*, Dec. 29, 1820; Jan. 5, 1821.

<sup>6</sup>*Senate Journal*, Dec. 29, 1821; Dec. 21, 1822; Dec. 30, 1825; Jan. 1, 1828; *House Journal*, Dec. 22, 1824.

change in its constituency, being reduced in 1824 to the Governor and three directors,<sup>1</sup> and in 1831 to the Governor, the State Treasurer and one elected member, who was to be known as the Superintendent of Public Works, and who alone was to receive pay for his services.<sup>2</sup> Moreover, in 1833, when the fund was low, even a proposition to appropriate \$1,500 for surveys of proposed railway routes was defeated.<sup>3</sup> The committee to whom the memorial of the November convention had been referred, in its report thereon, and in introducing the bill just mentioned, gave expression to the disappointment felt by the friends of State aid and for which the Legislature was held responsible.<sup>4</sup> Never before had the press of the State been so unanimous in its condemnation of the Legislature as in 1834 for this failure to obey what seemed so clearly the will of the people. The *Elizabeth City Star*, the *Edenton Gazette*, the *North Carolina Journal*, the *Wilmington Free Press*, the *Fayetteville Observer*, the *Oxford Examiner*, the *Raleigh Register*, the *Hillsboro Recorder*, the *Salisbury Journal*, the *Western Carolinian*—all voiced a protest against the refusal of the Legislature to meet the expectations of the people.<sup>5</sup>

We have seen something of the forces that kept so limited the sources from which the internal improvement fund was derived. The receipts from the two sources—the sale of lands, and bank dividends—as shown in the following table, amounted in the years prior to 1835 to \$184,747.47½, and at the close of this year about \$45,000 was due the fund.

<sup>1</sup>Laws, 1824, ch. 5.

<sup>2</sup>*Ibid.*, 1831, ch. 21.

<sup>3</sup>House Journal, Jan. 8, 1834.

<sup>4</sup>Senate Journal, Dec. 24, 1833.

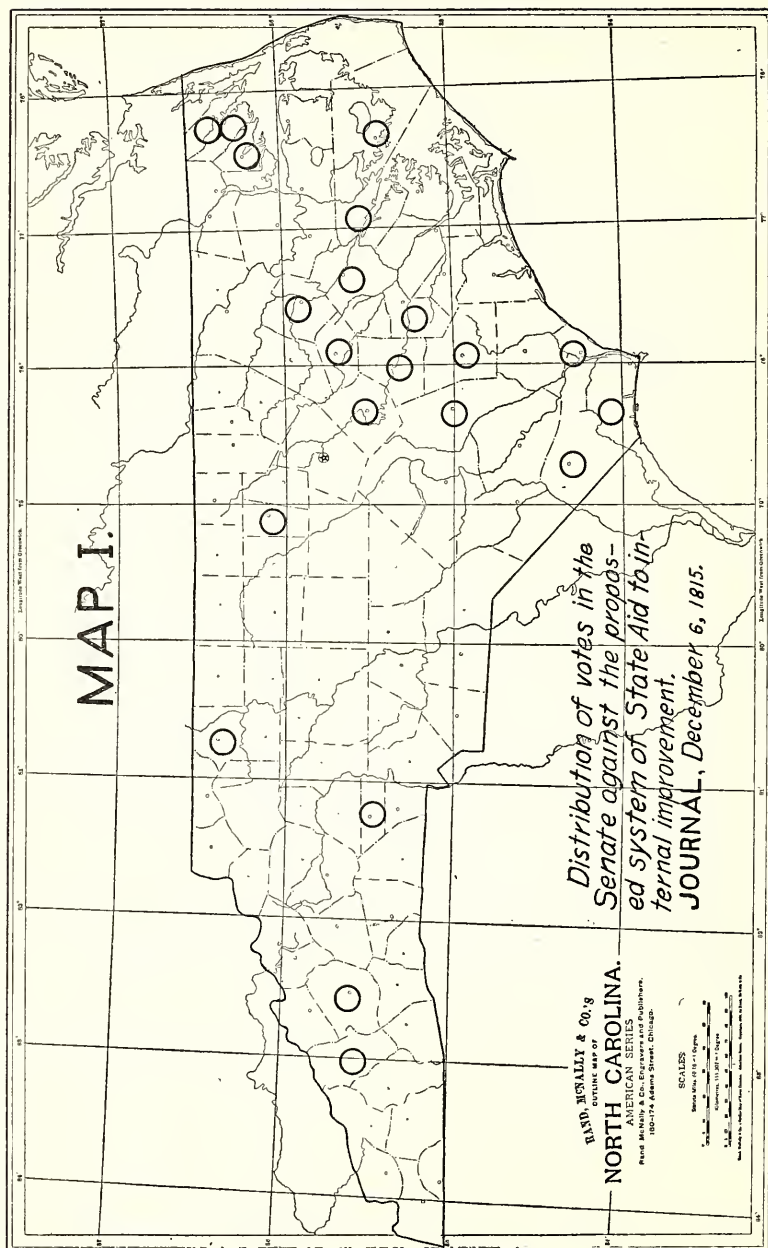
<sup>5</sup>*Register*, Jan. 11, 1834; Feb. 4, 1834.

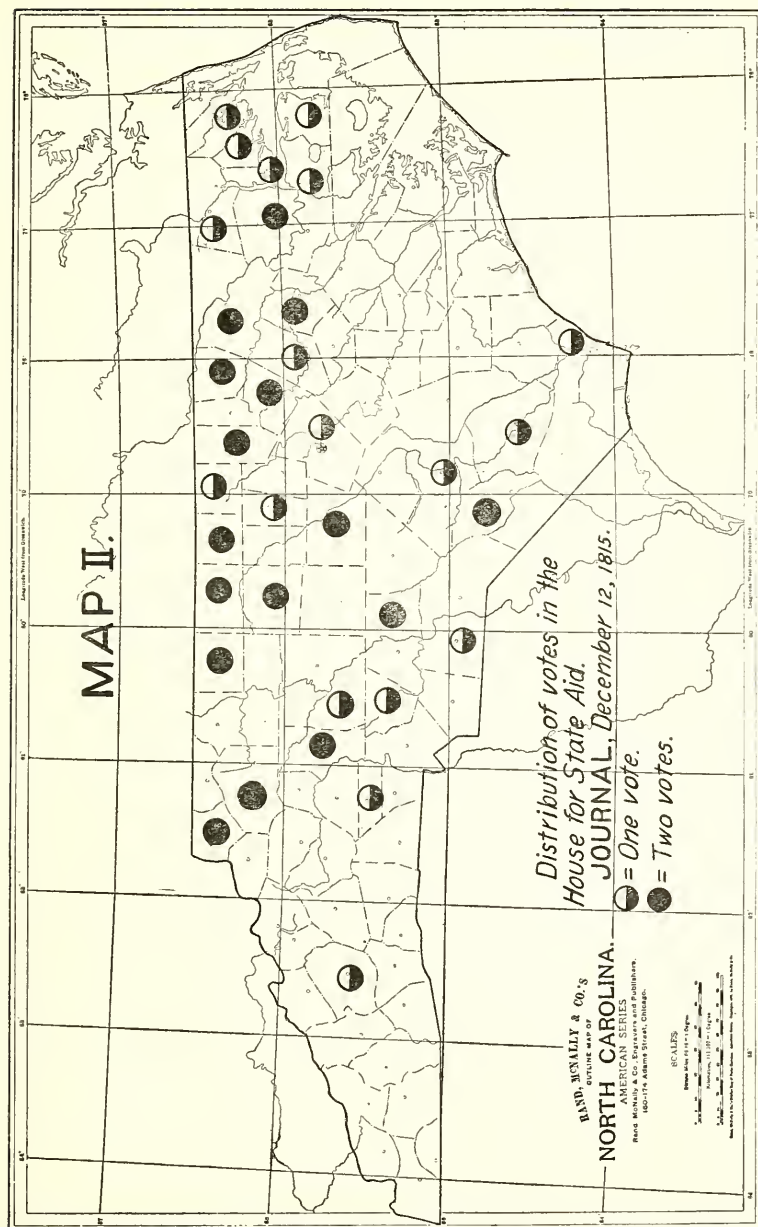
RECEIPTS OF THE INTERNAL IMPROVEMENT FUND, 1820-1835.<sup>1</sup>

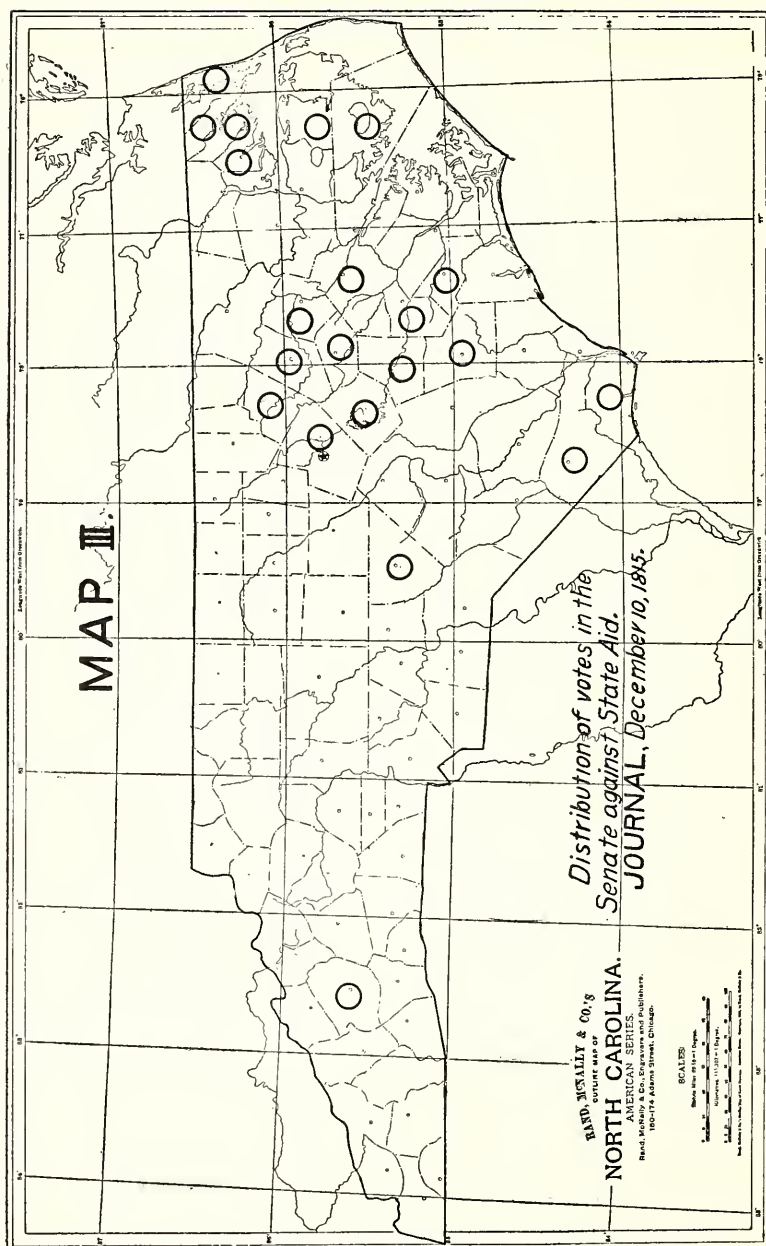
1820.....	\$.....
1821.....	4,857.17
1822.....	1,519.41¼
1823.....	9,658.65¼
1824.....	25,614.03
1825.....	32,483.99
1826.....	15,657.47
1827.....	25,916.21½
1828.....	19,556.54½
1829.....	14,830.70½
1830.....	5,533.00½
1831.....	4,559.98
1832.....	2,601.36
1833.....	1,397.48
1834.....	5,807.23
1835.....	14,736.17
	<hr/>
	\$184,747.41½

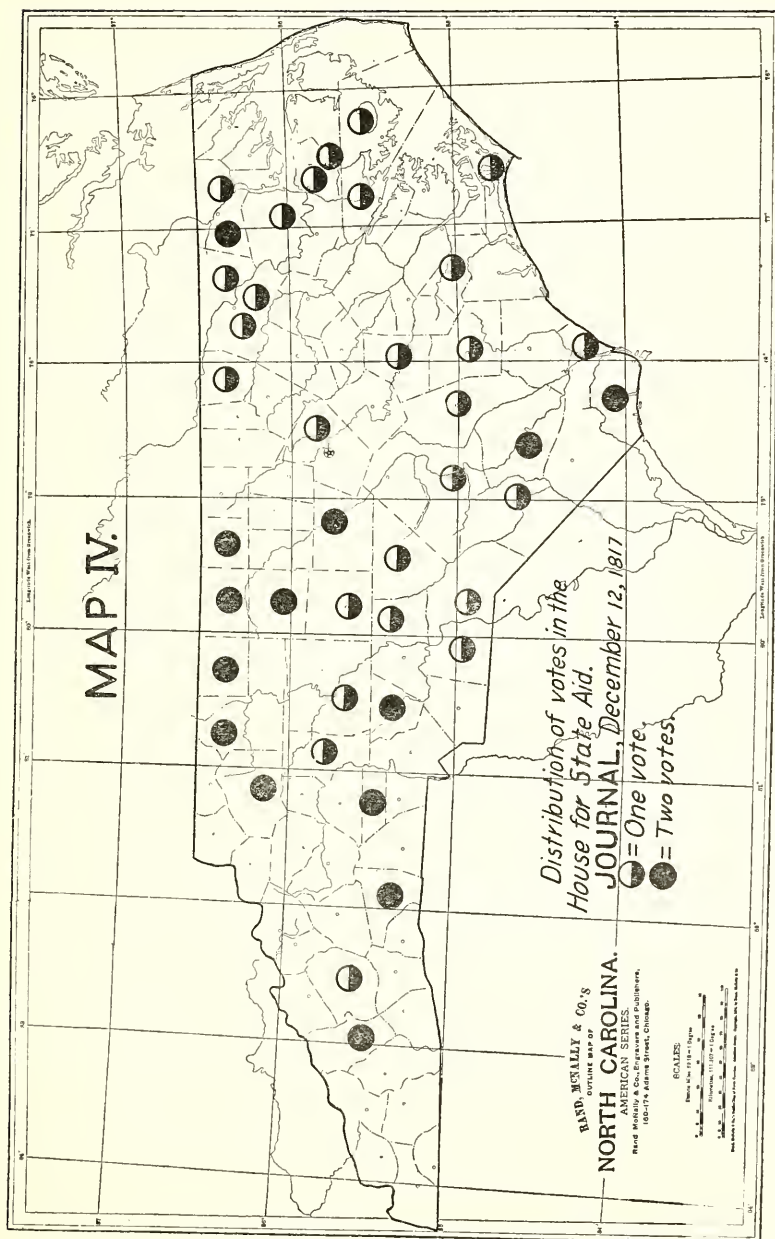
An examination of the votes in both houses of the Legislature on the more important bills and resolutions already mentioned, in an effort to understand the reasons for such a determined and powerful opposition to State aid, reveals the fact that, in the main, the opposition to the policy was centered in the eastern half of the State, while its chief support was given by the members from the west. The distribution of the votes for or against a few typical measures is represented in the accompanying maps.

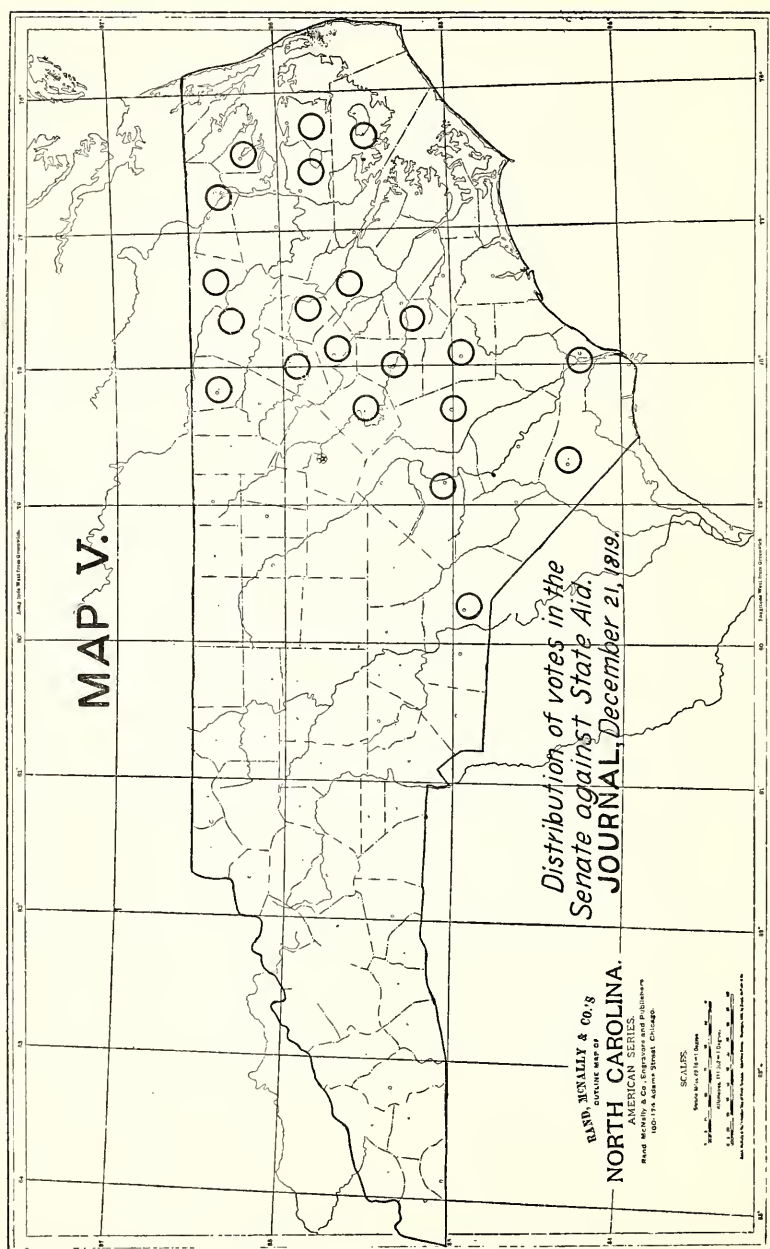
<sup>1</sup>The annual reports of the Treasurer and of the Board of Internal Improvement are relied on for the statement of receipts by years. For the years 1824 and 1825, however, the two sources do not agree. In the receipts for each of these two years, \$18,550, which the Treasurer did not include but which the Board reported, is included in this table.

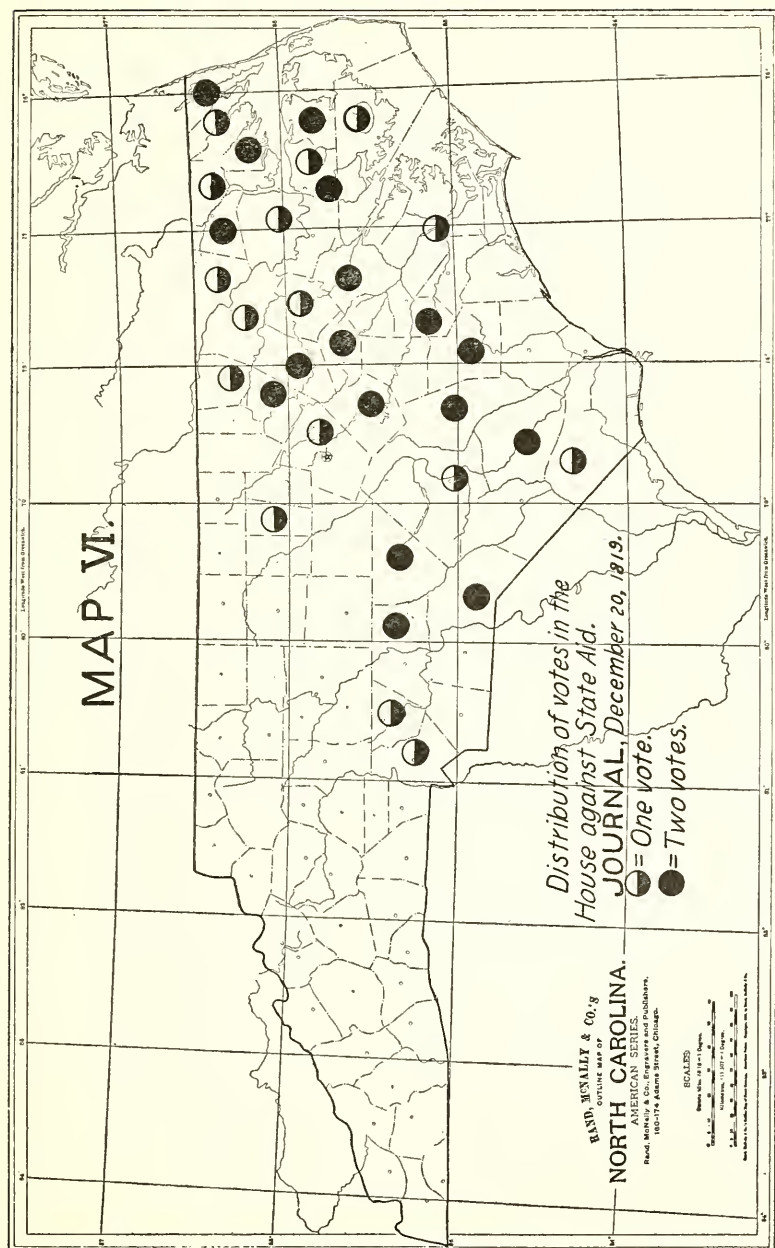


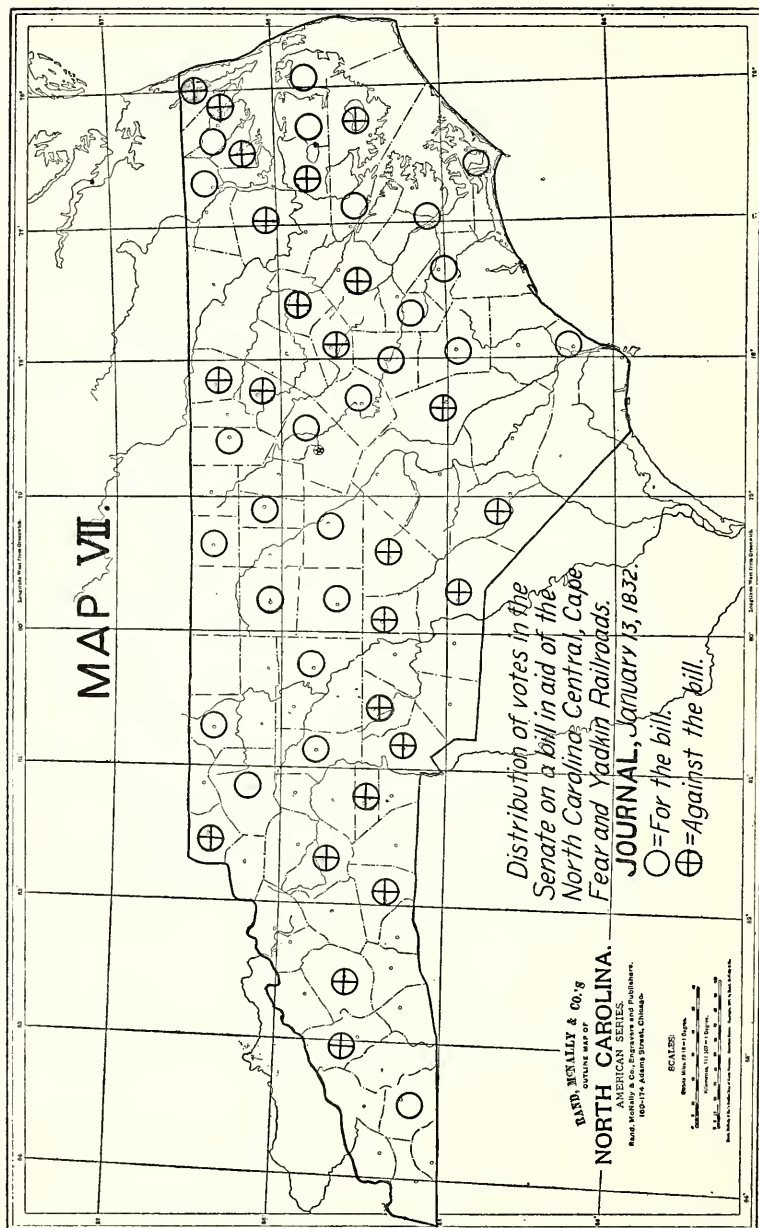












Several explanations for such a sectional division may be adduced. First of all, the need for transportation was more nearly supplied in the east than in the west by natural inland waterways. Too, overland wagon routes were more cheaply constructed and maintained in the comparatively level east than in the hilly or mountainous west. Doubtless, also, many citizens of the east were unwilling that their section should bear half or a larger share of the burden of undertakings, the chief benefits of which would accrue to their neighbors of the west.

But such a motive was scarcely most responsible for the making of State aid a sectional issue. The system of representation in the Legislature, as fixed by the Constitution of 1776, soon resulted in a disproportionate representation of the two sections. If an imaginary line be drawn north and south across the State just west of Wake, the section to the west of this line embraced, in 1815, twenty-four counties and two boroughs, that to the east thirty-eight counties and four boroughs. Since these political divisions, without regard to population, constituted the basis of representation, there was a large majority of eastern men in the Legislature.<sup>1</sup>

When the question of State aid to transportation came up in 1815, the opposition of the west to the existing basis of representation had already become active.<sup>2</sup> And it was this system of representation that furnished the basis for the chief political issue in the State—the issue which overshadowed all others, and whose influence was manifest in the discussion of every question of general State policy—until the Constitution was revised in 1835. That the bitter struggle of the two sections over the constitutional issue should find expression in their division in a similar way on other issues, particularly one involving general State policy, is not surprising.

<sup>1</sup>Each county elected a senator and two representatives; each borough, a representative.

<sup>2</sup>W. K. Boyd, *The Antecedents of the North Carolina Convention of 1835*, *South Atlantic Quarterly*, April, 1910.

Perhaps, too, besides the broad sectional strife, the inability to agree on any large undertaking because of local jealousy and rivalry did more than all else to hinder the growth of sentiment in favor of State aid.<sup>1</sup> Again, towards the close of this period, the introduction in other States of the railroad, yet in the experimental stage, doubtless made men hesitate to involve the State in the expenditure of large sums of money either for the old forms of transportation which might be largely superseded by the new form, or for the new until it had been thoroughly tried elsewhere.

Whatever the cause or causes of the meagerness of the State's expenditures for transportation in this period, the total amount expended amounted to only \$291,576.10. The following tabular statement shows in some detail the objects to which the money was devoted:

Engineering and incidentals <sup>2</sup> .....	\$67,518.74
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On rivers:

Shares of stock—

Roanoke Navigation Company <sup>3</sup> ...	\$50,000.00
Cape Fear Navigation Company <sup>4</sup> ..	40,000.00
Yadkin Navigation Company <sup>5</sup> ....	25,000.00
Tar River Navigation Company <sup>6</sup> ..	1,200.00
Neuse River Navigation Company <sup>7</sup>	1,800.00
North Carolina Catawba Company <sup>8</sup>	2,400.00
	<hr/> \$120,400.00

Direct appropriations—

Broad <sup>9</sup> .....	\$2,548.00
Cape Fear <sup>10</sup> .....	39,730.16
Lumber <sup>11</sup> .....	427.20
	<hr/> \$42,705.36

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\$163,105.36

<sup>1</sup>See map VII, *supra*.

<sup>2</sup>In the Report of the Board, 1833, p. 4 ff., the expenditures for Internal Improvement to date are summarized.

The expenditures for surveys of swamp lands, amounting to \$3,832.44, are not included here.

<sup>3</sup>Laws, 1815, ch. 13; 1823, ch. 17.

<sup>4</sup>*Ibid.*, 1815, ch. 14; 1823, ch. 16.

<sup>5</sup>*Ibid.*, 1816, ch. 35.

<sup>6</sup>*Ibid.*, ch. 23.

<sup>7</sup>*Ibid.*, ch. 16.

<sup>8</sup>*Ibid.*, ch. 25.

<sup>9</sup>*Ibid.*, 1820, ch. 38.

<sup>10</sup>*Ibid.*, 1822, ch. 16; 1825, ch. 8; 1826, ch. 18; 1827, ch. 34; 1828, ch. 36.

<sup>11</sup>*Ibid.*, 1822, ch. 28.

## On Clubfoot and Harlowe's Creek Canal:

Shares of stock <sup>1</sup> .....	\$15,000.00	
Loan <sup>2</sup> .....	18,000.00	
		\$33,000.00

## On roads:

## Shares of stock—

Buncombe Turnpike Company <sup>3</sup> ....	\$5,000.00	
Plymouth Turnpike Company <sup>4</sup> ....	2,500.00	
		\$7,500.00

## Direct appropriations—

Various highways <sup>5</sup> .....	\$16,452.00	\$16,452.00
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## Loans—

Commissioners of road Old Fort		
to Asheville <sup>6</sup> .....	2,000.00	
Tennessee River Turnpike <sup>7</sup> .....	2,000.00	
		\$4,000.00
		\$27,952.00
		\$291,576.10

Within the limits of this paper no attempt can be made to discuss in detail the separate expenditures summarized above, or the specific object to which each was applied. It may be remarked in passing that at the close of the pre-railroad era, of the several navigation companies in which the State had become interested as a stockholder only the Roanoke and the Cape Fear companies remained active. The former, with which Virginia also co-operated through the holding of shares, was engaged throughout the period in attempts to improve the navigation of the Roanoke River and its tributaries in both States; and in 1835, having begun in 1831 to pay small dividends, the company was fairly prosperous.<sup>8</sup>

As early as 1819 the Cape Fear Navigation Company was

<sup>1</sup>*Ibid.*, 1818, ch. 50; 1821, ch. 37; 1824, ch. 25.

<sup>2</sup>*Ibid.*, 1826, ch. 24; 1828, ch. 37.

<sup>3</sup>*Ibid.*, 1824, ch. 23.

<sup>4</sup>*Ibid.*, 1823, ch. 20.

<sup>5</sup>*Ibid.*, 1820, chs. 34, 37; 1821, ch. 22; 1822, ch. 35; 1823, chs. 25, 26; 1824, ch. 27; 1825, ch. 34; 1826, ch. 25.

<sup>6</sup>*Ibid.*, 1829, ch. 14.

<sup>7</sup>*Ibid.*, 1831, ch. 36.

<sup>8</sup>The total stock subscribed was \$412,000, of which North Carolina owned \$50,000, and Virginia, \$30,000. The total expenditures to 1834 were \$410,958.65, and the tolls for that year amounted to \$4,301.65.—Report of the Board, 1834, p. 20.

able to pay a  $7\frac{1}{2}$  per cent dividend,<sup>1</sup> and steamboats were ascending to Fayetteville.<sup>2</sup> An inquiry into the affairs of the company by a legislative committee in 1832 revealed the fact that \$42,761.76 had been expended on the river, and net tolls amounting to \$28,846.74 had been collected. It was the opinion of the committee, however, that the money expended had "not been judiciously and profitably applied."<sup>3</sup> The aggregate of dividends paid by the company from 1819 to 1833, inclusive, amounted to 45 per cent.

The other navigation companies in which the State was a shareholder were short-lived. For several years prior to 1830 the Board of Internal Improvements had received no reports from them, and little is known of the small amounts actually expended on the several rivers.<sup>4</sup>

The Clubfoot and Harlowe's Creek Canal Company, organized under a charter of 1795,<sup>5</sup> had begun operations within less than two years after the charter was issued.<sup>6</sup> In 1815, when the State was beginning to aid other companies, it had completed one-fourth of the work to be done;<sup>7</sup> but not until 1827 did tolls begin to be collected, and these aggregated in the next six years only \$2,722.05, and were dwindling each year, work on the canal having been suspended for lack of funds.<sup>8</sup> Of the two turnpike companies in which the State was a shareholder, only the Buncombe Turnpike Company made a conspicuous success of its undertaking. The road, from a point on the South Carolina line by way of Asheville to the Tennessee line, proved a profitable investment, and by 1835 the company was paying an annual dividend of 11 per cent.<sup>9</sup>

<sup>1</sup>Report of the Treasurer, House Journal, Nov. 23, 1819.

<sup>2</sup>Memoir, p. 37.

<sup>3</sup>Legislative Documents, 1832, No. 20.

<sup>4</sup>Report of the Board, 1830, p. 5.

<sup>5</sup>Laws, 1795, ch. 23.

<sup>6</sup>*Ibid.*, 1797, ch. 10.

<sup>7</sup>*Star*, May 19, 1815.

<sup>8</sup>Report of the Board, 1834, p. 7.

<sup>9</sup>*Ibid.*, 1835.

The most significant work undertaken by the State alone was the dredging of the Cape Fear River below Wilmington. At first the operations here, beginning in 1822, were attended with signal success, it was thought.<sup>1</sup> But in 1829, after much loss of money and time in attempting to use an unwieldy dredging machine, the work on this part of the river was taken in charge by the Federal government.<sup>2</sup>

In its report of 1833, the Board of Internal Improvement declared that the money expended in procuring information concerning the topography of the State would prove profitable or not according to the use to be made of the information thereafter. The expenditures on roads were regarded as clearly profitable, and the same was true of the sums expended on the Roanoke and Cape Fear rivers; while the investment in the Clubfoot and Harlowe's Creek Canal was of doubtful expediency, and the money expended on the Yadkin, Tar, Catawba, Neuse and Broad rivers was regarded as a total loss.

The causes which led to the failure to make more profitable these investments by the State are to be found in the lack of skill and experience, which was responsible for many useless expenditures, and in the scattering of efforts in order to gratify local preferences and jealousies, resulting in many unfinished operations which a concentration of expenditures would have avoided. "These and other circumstances contributed to disappoint expectations, perhaps too sanguine, and produced doubts of the success of any attempts at internal improvement in our State. The Legislature, apparently unwilling to give up the long-cherished idea of improving the State and yet fearful to embark in any public work of magnitude (had) retained the Board and continued the fund for internal improvement, without providing the means or

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<sup>1</sup>Governor Holmes' message, House Journal, Nov. 17, 1824.

<sup>2</sup>Report of the Board, 1829, p. 3.

directing the undertaking of any new work, or the more vigorous prosecution of any which had been already commenced.”<sup>1</sup> Therefore, had aid been more liberally given to transportation, it may be questioned whether the whole would not have been spent in equally fruitful or unfruitful undertakings. But without an increase in the taxes, or a curtailment of the ordinary government expenses, there remained only the credit of the State to be relied on for means sufficient for the completion of any works of significance, for the Literary Fund had been encroached upon repeatedly in the twenties in order to meet the general expenses of the State government.<sup>2</sup>

Whatever the causes of the failures of the early internal improvement policy, with the beginning of the next period it took on new life. In the succeeding chapters will be found some account of the zeal and enthusiasm with which the newly empowered west advanced the policy it had so long championed, and which found its fullest development in the building of important railways.

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<sup>1</sup>Report of the Board, 1833, p. 7.

<sup>2</sup>Report of the Treasurer, 1834, p. 10 ff.

## JOSEPH HEWES AND THE DECLARATION OF INDEPENDENCE.

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BY R. D. W. CONNOR, SECRETARY OF THE NORTH CAROLINA HISTORICAL COMMISSION.

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In his famous letter to John Adams, July 9, 1819, repudiating the "Mecklenburg Declaration of Independence," Thomas Jefferson paid his respects to the North Carolina delegates in the Continental Congress, declaring there was "not a greater Tory in Congress than Hooper; that Hughes [sic] was very wavering, sometimes firm, sometimes feeble, according as the day was clear or cloudy"; and that their line of conduct was very uncertain "until Penn came, who fixed Hughes [sic], and the vote of the State."<sup>1</sup> When this letter was made public, "Jo Seawell Jones," as Dr. Alderman says, "choking with rage, rushed to the rescue in his celebrated 'Defence of North Carolina' and with an uncommon mingling of invective, passion, partisanship, critical power and insight, effectually disposed of his great antagonist."<sup>2</sup> Jones, however, directed his defence to Hooper alone, and although he shows the statement in regard to him to be a libel, yet the accompanying assertion characterizing Hewes's position on independence has been accepted even in North Carolina, and by Hewes's biographers, without dissent.

Hewes's attitude toward independence, as depicted by Jefferson, is so entirely out of harmony with his whole course, throughout the Revolution, and with the attitude toward independence displayed in his official and personal correspondence, as at once to raise a question of the accuracy of Jefferson's memory. Let us then examine his statement critically, and ascertain, if possible, how much of truth there

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<sup>1</sup>Works. Memorial Edition. XV, 206.

<sup>2</sup>Life of William Hooper, p. 37.

may be in it. We may dismiss at once any notion that he intentionally misrepresented Hewes. It would have been remarkable, indeed, if Jefferson, writing in a fit of anger forty-three years after the events he describes, should have been entirely accurate in his statement. Whether his memory was accurate as to the position of Joseph Hewes on the question of independence, is the subject of the present inquiry.

Hewes was elected a delegate to the Continental Congress in August, 1774, and served in that body until the summer of 1777. He was, accordingly, in Congress during the period in which sentiment for independence was developing in the colonies, took part in the debates on Richard Henry Lee's motion for independence in June, being for most of the time the only delegate present from North Carolina, and signed the Declaration of Independence in July.

His attitude toward the Revolution during the year 1775 may be gathered from his letters written from Congress. In February of 1775, the two houses of Parliament presented an address to the king declaring the colonies in rebellion, and assuring his Majesty of their determination to support him in his efforts to suppress it; and the king returning his thanks for their loyal address, called for an increase of both the land and naval forces to be used in America. A few months later information reached the Americans that he was hiring Hessians for service against them; and in October came his proclamation declaring the colonists out of his protection. The effect of these measures on the development of sentiment for independence was marked. Writing, July 8, 1775, to Samuel Johnston, Hewes says:

"If the Governor attempts to do anything he ought to be seized and sent out of the colony; so should the judges; the powers of government must soon be superseded and taken into the hands of the people.

\* \* \* I hope by your influence and example you will drive every principle of Toryism out of all parts of your province. I consider my-

self now over head and ears in what the Ministry call rebellion. I feel no compunction for the part I have taken nor for the number of our enemies lately slain in the battle of Bunkers Hill. I wish to be in camp before Boston, though I fear I shall not be able to get there till next campaign."<sup>3</sup>

After the king's proclamation in October, Hewes declared:

"We have but little expectation of a reconciliation. I can assure you from all the accounts we have yet received from England we have scarcely a dawn of hope that it will take place"<sup>4</sup>; and he was of opinion that independence would certainly come soon "if the British Ministry pursue their diabolical schemes."<sup>5</sup>

These quotations reveal his attitude in 1775. During that year the policy of the colonies was to deprecate all discussion of independence, but Hewes's letters show that, consciously or unconsciously, he was moving calmly, steadily and continuously toward that goal. The events during the first half of 1776 served only to confirm him in his sentiments. There is no indication of wavering; there is no evidence of a fair weather politician who shrank from the storm which he knew his course would bring. On February 11, 1776, he wrote as follows to his friend Johnston:

"All accounts from England seem to agree that we shall have a dreadful storm bursting on our hands through all America in the spring. We must not shrink from it; we ought not to show any symptoms of fear; the nearer it approaches and the greater the sound, the more fortitude and calm, steady firmness we ought to possess. If we mean to defend our liberties, our dearest rights and privileges against the power of Britain to the last extremity, we ought to bring ourselves to such a temper of mind as to stand unmoved at the bursting of an earthquake. Although the storm thickens I feel myself quite composed. I have furnished myself with a good musket and bayonet, and when I can no longer be useful in council I hope I shall be willing to take the field. I think I had rather fall there than be carried off by a lingering illness. In this I am pretty much of the same opinion of the French general

<sup>3</sup>Colonial Records of North Carolina, X, p. 86.

<sup>4</sup>*Ibid.*, p. 315.

<sup>5</sup>Hazleton: The Declaration of Independence; Its History, p. 31.

who, confined a long time by sickness to his bed, on hearing the Duke of Brunswick was killed by a cannon ball, exclaimed: 'Great God! How unfortunate I am! Brunswick was always a lucky fellow.' \* \* \*

"It is hinted in the papers that persons will be sent from England to negotiate with the colonies; many people do not believe it; those who do have but little expectation from it. They are to treat under the influence of a mighty fleet and army. What are we to expect from the mouth of a cannon or the point of a bayonet? See Lord North's motion in the House of Commons the 20th of November. What have we to expect from Parliament? \* \* \*

"The only pamphlet [Paine's 'Common Sense'] that has been published here for a long time, I now send you; it is a curiosity; we have not put up any to go by the wagon, not knowing how you might relish independency. The author is not yet known; some say Doctor Franklin had a hand in it; he denies it."<sup>6</sup>

On the 20th of March he wrote to Johnston as follows:

"The act of Parliament prohibiting all trade and commerce between Great Britain and the colonies has been lately brought here by a Mr. Temple from London. It makes all American property found on the sea liable to seizure and confiscation, and I fear it will make the breach between the two countries so wide as never more to be reconciled. \* \* \* I see no prospect of a reconciliation. Nothing is left now but to fight it out. \* \* \* Some among us urge strongly for independency and eternal separation; others wish to wait a little longer and to have the opinion of their constituents on that subject. You must give us the sentiments of your Province when your Convention meets."<sup>7</sup>

The Convention of North Carolina met in April, and on April 12th adopted a resolution authorizing the North Carolina delegates in the Continental Congress to vote for independence.<sup>8</sup> A copy of this resolution was dispatched by an express the next day to Hewes, who alone represented North

<sup>6</sup>Col. Rec., X, pp. 446-47.

<sup>7</sup>State Records, XI, pp. 288-89.

<sup>8</sup>This resolution, after reciting the grievances which moved the Convention to its course, was as follows:

"Resolved, That the delegates for this colony in the Continental Congress be impowered to concur with the delegates of the other colonies in declaring independency, and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a Constitution and Laws for this colony, and of appointing delegates from time to time (under the direction of a general representation thereof) to meet the delegates of the other colonies for such purposes as shall be hereafter pointed out." Commenting on this resolution Bancroft declares: "North Carolina was the first colony to vote explicit sanction to independence."

Carolina at Philadelphia. In May, after he had received this resolution, Hewes wrote to James Iredell:

"We appear to have everything we want. We resolve to raise regiments, resolve to make cannon, resolve to make and import muskets, powder and clothing, but it is a melancholy fact that near half our men, cannon, muskets, powder, clothes, etc., is to be found nowhere but on paper. We are not discouraged at this; if our situation was ten times worse I could not agree to give up our cause."

And yet we are asked to believe that these are the words of a man who, on so momentous a question, knew not his own mind; that they proceeded from a spirit feeble, wavering, and uncertain; that they expressed the sentiment of a time-server and a trimmer!

But Penn, it is said, "fixed" Hewes, and the vote of the State on independence. When Jefferson wrote these words he was angry, and justly offended at being practically charged with plagiarism in the greatest act of his life, and he was chagrined that John Adams apparently believed him guilty. Moreover, he wrote from memory, forty-three years after the event under discussion. These circumstances were certainly not conducive to accurate historical statements; and in another connection, while engaged in the preparation of his "Autobiography," writing calmly in his study from notes taken contemporaneously with the events described, Jefferson refutes his own assertion. Writing to a grandson of Samuel Adams, Jefferson enclosed "some extracts from a written document" on the subject of independence, "for the truth of which," he says, "I pledge myself to Heaven and Earth; having, while the question was under consideration before Congress, taken written notes, in my seat, of what was passing, and reduced them to form on the final conclusion."<sup>9</sup>

These notes were taken, June 8 and 10, 1776, during the debates on Richard Henry Lee's motion for independency.

"It appearing in the course of these debates," says Jefferson, on the authority of his notes, "that the colonies of New York, New Jersey,

<sup>9</sup>Works. Memorial Ed., XV, pp. 195-6.

Pennsylvania, Delaware, Maryland, and South Carolina, were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait awhile for them, and to postpone the final decision to July 1st."<sup>10</sup>

North Carolina is here recorded as being favorable to independence, and yet Joseph Hewes was the only delegate present from that State, and had been the only one present since March. When, then, did Penn "fix" Hewes and the vote of the State? It must have been before he left Philadelphia in March. But up to that time Congress had never taken a vote on the question of independence, but had carefully avoided even the appearance of so doing. And Hewes, as shown by the letters quoted, was one of those "among us" who in private "urged strongly for independence."

Afterwards, in a letter to Madison, referring to certain statements that John Adams had made with regard to the debates on the subject, Jefferson said:

"In some of the particulars, Mr. Adams' memory has led him into unquestionable error. At the age of eighty-eight, and forty-seven years after the transaction of independence, this is not wonderful. Nor should I, at the age of eighty, on the small advantage of that difference only, venture to oppose my memory to his, were it not supported by written notes taken by myself at the moment and on the spot."<sup>11</sup>

Taking issue with Adams' statement that the question had been long under consideration by Congress before July, 1776, Jefferson appeals to history to say whether the statement was true, "or this dictum also of Mr. Adams be another slip of memory."<sup>12</sup>

It is therefore difficult to say just when John Penn "fixed" Hewes and the vote of the State, and the conviction grows upon one that the memory of the "Sage of Monticello," unsupported by his "written notes," is no more trustworthy than the memory of the "Colossus of Independence."

<sup>10</sup>*Ibid.*, XV, pp. 196-7.

<sup>11</sup>*Ibid.*, XV, p. 460.

<sup>12</sup>*Ibid.*, XV, p. 462.

There are reasons, too, for believing that Adams suffered a "slip of memory" when, in reply to a question whether every member of Congress who signed the Declaration of Independence cordially approved of it, he wrote the following paragraph:

"The measure had been upon the carpet for months, and obstinately opposed from day to day. Majorities were constantly against it. For many days the majority depended on Mr. Hewes, of North Carolina. While a member, one day, was speaking, and reading documents from all the colonies, to prove that the public opinion, the general sense of all, was in favor of the measure, when he came to North Carolina, he produced letters and public proceedings which demonstrated that the majority of that colony were in favor of it, Mr. Hewes, who had hitherto constantly voted against it, started suddenly upright, and lifting up both his hands to heaven, as if he had been in a trance, cried out: 'It is done, and I will abide by it.' I would give more for a perfect painting of the terror and horror upon the faces of the old majority, at that critical moment, than for the best piece of Raphael. The question, however, was eluded by an immediate motion for adjournment."<sup>13</sup>

There are many interesting points about this account. "The measure," he says, "had been upon the carpet for months." Richard Henry Lee made his motion, the "measure" referred to, June 7; it was adopted July 1, less than one month later. Therefore it had not been "upon the carpet for months." It was "obstinately opposed from day to day," and "for many days" the majority depended on Hewes. But Jefferson says, on the strength of his contemporaneous notes, that the debate lasted only three days, June 8 and 10, and July 1; and shows that from the beginning Hewes was in favor of the measure. "Majorities," says Adams, "were constantly against it"; Jefferson, however, mentions only one vote, the one taken on July 1, and the measure was then carried by the votes of nine States out of thirteen. Then, too, these debates took place after the adoption of the Halifax Resolution, after Hewes had received a copy of it, and after

<sup>13</sup> Works. Ed. by Charles Francis Adams, Jr. Ed. 1856, X, p. 35.

he had laid it before Congress. We are, then, not only to believe, according to Adams, that some member of some other colony was more familiar with the sentiment of North Carolina than Hewes, but that Hewes deliberately violated the expressed declaration of his constituents officially given through their representatives in convention assembled. Would John Penn, who had "fixed" Hewes, have remained silent about such a breach of trust? Penn arrived at Philadelphia in the latter part of June. On June 28, writing to Samuel Johnston, President of the North Carolina Convention, he said: "I arrived here several days ago in good health and found Mr. Hewes well. \* \* \* The first of July will be made remarkable. Then the question relative to independence will be agitated, and there is no doubt but a total separation from Britain will take place. This Province [Pennsylvania] is for it. Indeed, *so are all*<sup>14</sup> except Maryland and her people are coming over fast."<sup>15</sup> Not an intimation that he had found Hewes "wavering"! The same day Hewes himself wrote to James Iredell: "On Monday the great question of independence \* \* \* will come on. It will be carried, I expect, by a great majority, and then, I suppose, we shall take upon us a new name." In all his letters he assumes as a matter of course that his position is known to be favorable to "the great question of independency."<sup>16</sup>

There must, however, be some explanation of the recollections of Jefferson and Adams. The key to the statement of Adams is probably found by putting together two sentences of two different letters. The closing sentence of the account just quoted is: "The question, however, was eluded by an immediate motion for adjournment." In another

<sup>14</sup>Italics mine. "All" included North Carolina, and Hewes for two months had been the only member present from that colony.

<sup>15</sup>Hazleton: The Declaration of Independence, p. 139.

<sup>16</sup>McRee: Life and Correspondence of James Iredell, I, p. 326.

letter, written to Jefferson, Adams says: "You know the unanimity of the States finally depended on the vote of Joseph Hewes, and was finally determined by him."<sup>17</sup> Let us note that here he uses the word "unanimity," while in the former letter he used the word "majority." Now, as has already been shown, during the first debates on Richard Henry Lee's motion, June 8 and 10, Hewes was among those ready to vote in the affirmative; and that the final decision was postponed because certain colonies, among them South Carolina, were not ready to take the final step. July 1, the debate was resumed and the motion, according to Jefferson's notes, was adopted by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina and Georgia. Personally the New York delegates favored it and believed their constituents did also, but their hands were tied by an old, unrepealed instruction against independence passed the previous year; they, therefore, withdrew from Congress, declining to vote at all. Delaware's two delegates were divided, and the vote of the colony was lost. South Carolina and Pennsylvania alone voted against it. It was well known, however, that the New York Convention which was to meet at an early date would repeal the old instruction and declare for independence; and that certain delegates from Delaware and Pennsylvania, who favored it, but were not present when the vote was taken, would attend next day and carry their colonies for it. This left South Carolina alone in opposition. Therefore, when the Committee of the Whole rose and reported the resolution to the Congress, Edward Rutledge, the senior delegate from South Carolina, as Jefferson says,

"requested the determination might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity."<sup>18</sup>

<sup>17</sup>Works: X, p. 381.

<sup>18</sup>Works. Mem. Ed. XV, p. 199.

The request was granted, and this must have been the "immediate motion for adjournment" to which Adams refers.

"In the meantime," says Jefferson, "a third member came post from the Delaware counties, and turned the vote of that colony in favor of the motion. Members of a different sentiment attending that morning from Pennsylvania, also their vote was changed."<sup>19</sup>

New York still declined to take part in the proceedings, so that of the colonies authorized to vote at all South Carolina alone was in opposition when Congress convened on July 2. Thereupon "*for the sake of unanimity*,"<sup>20</sup> says Jefferson, South Carolina changed her vote and joined her sisters in declaring the colonies "free and independent States." Edward Rutledge, of South Carolina, therefore, and not Joseph Hewes, of North Carolina, finally determined the "unanimity" of the States. It also seems probable that it was the former who figured in the dramatic scene described by Adams. It would be no matter for wonder that a man approaching his ninetieth birthday, writing from memory nearly fifty years after the scene described, should confuse Hewes, of North Carolina, with Rutledge, of South Carolina.

Another circumstance tending to confirm this view, and explaining Jefferson's assertion also, Hewes himself mentions in a letter written to Samuel Johnston after the adoption of the Declaration of Independence. On July 28, while Congress was debating the Articles of Confederation and the plan for forming Foreign Alliances, Hewes writes: "These two capital points ought to have been settled before our Declaration of Independence went forth to the world. This was my opinion long ago, and every day experience serves to confirm me in that opinion." If Hewes urged these views before Congress, as is not unlikely, the fact will explain how his attitude, years afterwards, should have been remembered and represented as opposing independence.

<sup>19</sup>*Ibid.*

<sup>20</sup>*Ibid.*, XV, p. 198. Italics mine.





*From Painting by Jacques Basbee.*

**THE SITE OF FORT RALEIGH**

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*The*

# NORTH CAROLINA BOOKLET

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

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Published by  
THE NORTH CAROLINA SOCIETY  
DAUGHTERS OF THE REVOLUTION

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

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## BAPTISM OF VIRGINIA DARE\*

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Anniversary address, delivered on Roanoke Island by Rt. Rev. Joseph Blount Cheshire, D.D., August 18, 1910, under the auspices of the Roanoke Colony Memorial Association.

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We have just sung our State song, "Carolina." We give to our native country a feminine designation. "*Carolina*" is derived from the masculine name Charles, in Latin "*Carolus*"; some say from the French King Charles IX. More probably it was so called in the first English charter, after Charles I of England, and then the name was repeated and permanently fixed by the two charters of Charles II. But whether from French or English Charleses, we find it always in the more beautiful feminine form, "*Carolina*." Grammatically it had to be feminine form, because it is an objective, and the noun with which it must agree is "*terra*." But I suppose that, after all, the reason why the old Latins, and the older Greeks before them, made the name of the earth to be of the feminine gender, was at bottom the same feeling which must always have made men in some sense recognize the earth as our common mother. Out of the dust of the earth did the power and the goodness of God form man; and so we speak of "Mother Earth," and we call our country, "*Patria*," which, though it be from the Latin for father, yet it has a feminine form. The German may translate it "Fatherland," but we say our "Mother Country."

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\*This address was in fact delivered at Roanoke Island, August 18, 1910, the anniversary (the 323d) of the birth of Virginia Dare. But by a misapprehension of the writer it had been prepared under the impression that the day of delivery was to be the anniversary of the baptism. It was written at Nag's Head without books or memoranda of any kind for the verification of any fact or date.

We are met today to celebrate what we may in a very proper sense call the birthday of our country, not only of our mother State of North Carolina, but of the greater country of which North Carolina forms a part, because here on Roanoke Island began that chapter of history which has gone on and developed into the history of the United States. For nearly one hundred years white men of Europe had been visiting this new found western world. First Spaniards, in 1492, under the great Italian, Christopher Columbus, discovered the West Indian Islands, and Spaniards also discovered South America. Then Englishmen, in 1497, under Cabot, a merchant of Bristol, though also an Italian by birth, first landed upon and claimed the Continent of North America. Far to the south cities and colonies had been formed by Spaniards and had grown and prospered, and the treasures of Mexico and Peru in the hands of Spain had so extended and increased the immense power of that Country in Europe that nothing seemed able to withstand the tide of its conquests. But here, on Roanoke Island, in the summer of 1587, was planted a seed, and here began to spring into being a life and power which in time wrested the supremacy from Spain, and built up the power of our English-speaking people, which covered the world with English colonies, developed this great empire of the West, and has given to our race the position which it now holds in the world. Roanoke Island was the first stone laid in the great structure of English colonization and expansion.

And to this anniversary we give the name, not of a man, but of a girl, *Virginia Dare*. This is "*Virginia Dare Day*." Englishmen had before come to these shores, to this very spot whereon we stand. In the summer of 1584 came Amidas and Barlow, two of Raleigh's captains, and in 1585 the valiant Sir Richard Grenville brought Ralph Lane and his hundred and seven pioneers, who for a year sailed these

waters and traversed these forests, and wrote descriptions of the country and of its inhabitants, and drew for us those curious pictures of its people, their dress, dwellings and occupations, which adorn the narrative of Hariot. But a colony of men, however intelligent and hardy, can make no permanent settlement, and so Lane and his companions sailed away across the blue waters.

And then in the pleasant summer weather of the year 1587 came John White and his colony, sent out by the same wonderful man, Sir Walter Raleigh, and with White came not only men, but also men's wives and their little children, boys and girls. For on these shores Raleigh was determined that English colonies should be planted, because he saw that it was only by thus extending the bounds of their habitation that our people could reach that development and power necessary for their defense against the power of their European rivals and enemies, and for the accomplishment of their great destiny. And the birth of the first child of the English race in America was the prophecy and the earnest of that immense multiplication and expansion which now reckons its numbers by hundreds of millions of free, enlightened Christian people, sprung from the same sturdy stock who have established the institutions and the culture of the little island of Britain in every quarter of the habitable globe.

And you have well chosen as the day our celebration, not the anniversary of the birth, but the anniversary of the baptism of Virginia Dare.\* It is not physical life which makes the greatness of a people. It is their spiritual life. It is not strength of body or of mind, it is strength of heart and of spirit. The England of the sixteenth century was weak in physical resources, and but a beginner in the arts and sciences. She had to bring her teachers of Greek and of the new learning from the Continent; her artists she im-

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\*See note at bottom of page 167.

ported from the low countries; her architecture she was learning from Italy. Her enemies were the mighty upon earth. The tramp of the Spanish infantry, the finest soldiers in Europe, had trodden down all resistance, except where they had been stopped by the cutting of the dykes in Holland, and by that silver thread of the Strait of Dover, and on the ocean how feeble seemed the little frigates and fly-boats of the English seamen, beside the towering sea castles of the Spanish navy! But the Englishman of the sixteenth century was a free man, and of a free and aspiring spirit. He had not worked out his freedom into any consistent system either in church or in State. He had not learned that his own freedom could not be secure until he had learned to respect also the freedom of others. He was loyal to his ancient monarchy, and he loved his heroic queen, but as long as the queen and her government represented on the whole the interests, the aspirations and the efforts of the nation, they were free to exercise almost any degree of mediæval tyranny upon particular individuals or upon the reactionary elements of the population. At the reformation he had preserved in its integrity the ancient Church of England as no other Reformed or Protestant nation of Europe had done, and he loved its stately churches and cathedrals, and its dignified hierarchy, and its noble services, which had come down to him from his ancestors. But he was no longer a bondman to the church; he was Christ's free man in his Father's house. Baptism meant for him that he was "a member of Christ, a child of God, and an inheritor of the Kingdom of Heaven." And he gloried in this freedom. Nothing is a more striking feature in the character of the great Elizabethan soldiers and sailors than this confident profession of their Christian faith, their glorying in the Reformed religion of the ancient Catholic Church of England. And so we read, in the old chronicle of Roanoke

Island, that it was by the especial command of Sir Walter Raleigh that Manteo, the first Christian among the North American Indians, was baptized; not in England where he might have been baptized in a royal minster or in an archiepiscopal cathedral, with nobles and princes for his sponsors, but here under the spreading branches of the American forests, the work of founding the first English colony was inaugurated by the baptism of the first Indian convert. This fact of itself proves the presence of a priest of the English Church among the colonists. Raleigh's charter required that the public institutions of religion should be in accordance with the Church of England, and in providing for the administration of a sacrament, an authorized administrator must have been included.

And next, after the baptism of Manteo on Sunday, August 13, 1587, came the birth of Virginia Dare, August 18, and August 20 being the tenth Sunday after Trinity, she was baptized on this island, and the new life springing up in this strange and savage land was dedicated to God the Father, God the Son, and God the Holy Ghost; and in that solemn and significant rite that whole company saw repeated, their own dedication and new birth as "Members of Christ, children of God, and inheritors of the Kingdom of Heaven."

We know little about that fair young child whose name is now so familiar among the many millions of her kinsfolk. And it is not as an individual that she is important, but she is representative of a great and heroic age and of a tremendous and world-embracing vital movement. What amazing memories are called up by these rude forest surroundings, and by the flash of the blue waters between the living colonnades of these whispering pines! The spirits of mighty men of old haunt us along this storied shore. Philip Amidas and Arthur Barlow seem to be anchored out across yonder bar, while through the inlet which then pierced the

sand banks, comes on to this wooded shore their little pin-nace, flying the standard of St. George at its masthead, and a man in the prow hold out toward the new land the symbol of truth and light, the Cross.

And next after this we see that most valiant of all sixteenth century sailors, Sir Richard Grenville. "Admiral of Virginia" Raleigh named him, and with the stout captain, Ralph Lane, and learned Hariot, mathematician and historian, and John White, the pioneer artist of this expedition; and again in the offing rides the fleet of Drake. *Draco*, the Dragon, the frightened Spaniards called him, him who "sing'd the King of Spain's beard," sailing into the port of Cadiz, the strongest fortified harbor in Europe; and fighting both fleet and forts at the same time—as Lord Howard and Sir Walter Raleigh did again in 1596—burning the fleet and sacking the town. And back of all, though he never saw these shores, back of all these, the great figure of Sir Walter himself, the genius of English colonization, the hand that pointed out to England her path in the great future. All these seem to come to us here, and claim a part in the grateful memories of this hour. They were among real makers of England's greatness today, and the founders of Carolina and Virginia, and of all this great American nation.

It is the fashion with some to call these men free-booters and pirates. I repel the word and all that it implies. These men were the champions of the freedom of the sea and of commerce, and they claimed the world for those who could most worthily possess it. And if there was a taste of danger and a spice of romance and a golden profit now and then for their reward, it was all in the day's work. The King of Spain claimed all this western hemisphere as his own. And the Bishop of Rome had, by his pretended right as God's vice-gerent on earth, confirmed to the King of Spain all lands lying west of a north and south line drawn one

hundred leagues west of the Azores. West of that line he claimed all as his own, and undertook to exclude by fire and sword all intruders. And with the riches of this new world he prepared to support his schemes of subjugating those little corners of Europe, England and Holland, and a scrap here and there, where freedom still reared her head. Do you think the worse of our fathers that they dared to dispute this stupendous claim, and to strike for a part of that great West which they needed, and especially of that Continent of North America which Englishmen, and not Spaniards, had discovered? It was that claim and those schemes of unbridled ambition which stirred the blood of every son of England who could get a ship under him and a dozen good hearts to help him strike a blow. And if these expeditions took the form of marauding expeditions against the ships and the settlements of Spain, how was that to be avoided? How else could they attack that greed and cruelty, which had remorselessly plundered and enslaved and butchered the simple people of the new world to glut the maw of Spanish avarice and to extend the bounds of tyranny and of the Spanish Inquisition?

“Venturous Fortunio his farm hath sold,  
And gads to Guianne land to search for gold;  
Meeting, perchance, if Orinoque deny.  
Some straggling pinnace of Polonian rye.  
Then comes home floating with a silken sail,  
The Severn shaketh with his cannon peal.”

Thus did a contemporary English poet deride these bold seamen, as others have done since. But, as a matter of fact, it was those “Venturous Fortunios” who taught England where and how her true destiny and greatness were to be accomplished in the distant future, as it was by those same daring seamen that she was delivered from the deadly peril of Philip’s “Invincible Armada” in the then immediate

present. And a poet of our own day has worthily sung the condensed Epic of those same Elizabethan seamen, and especially of our own Sir Richard Grenville—as we may call him since he was an American Admiral—our own Sir Richard Grenville, in that noble poem which stirs my blood as does no other poem by Tennyson or by any modern poet, *“The Last Fight of the Revenge.”*

But I must make an end. And, in making an end, let me say a last word about Virginia Dare and that “Lost Colony.” And that last word is this: Never let any one persuade you to believe for one moment that a colony of one hundred and eighteen Christian English people, men and women, husbands and wives, parents and children, an organized Christian community—your kinsmen and mine—were, within the short space of no more than twenty years, from 1587 to 1607 when the Jamestown settlement was made, swallowed up and amalgamated with half-naked heathen Indian savages, so that no remnant was left which could be recognized by their white brethren of Virginia. The Indians told the Jamestown settlers that the Roanoke Colony had been exterminated by the Indians, and so they were. The Indians knew what had become of them, and there was no reason for them to have made such a statement if it had been false. We can not degrade the memory of those early pioneers in the settlement of America by supposing that they at once forgot their Christian nature, and voluntarily and promptly sunk into heathen barbarism, within less than one generation. The descendants of those first Christian inhabitants of our land are not to be sought in the mongrel remnants, part Indian, part white, and part negro, of a decaying tribe of American savages. They, those early colonists, Ananias Dare, and Eleanor his wife, and their little girl Virginia, and their friends and companions, found a nobler fate. They perished in their heroic endeavor, buried in an eddy

and back current of the great stream of our race progress ; but they have left their spiritual descendants and kindred in us who are here assembled, and in every worthy and patriotic son and daughter of Carolina, Virginia, and the United States.

## THE EARLY HISTORY OF CRAVEN COUNTY

BY S. M. BRINSON.

Craven County derives its name from William, Earl of Craven. It was part of the land originally granted the Lords Proprietors. Its settlement is clearly traceable to the religious persecution which induced the Palatines to brave the dangers and uncertainties of an ocean voyage in quest of a land which offered freedom of conscience.

Protestantism at this time was making some headway in Baden and Bavaria and its increasing power alarmed the Roman church, which caused the expulsion of all Protestants from those kingdoms. Thousands of them fled to England and there, penniless and in want, they became a charge upon the people of England.

When Lewis Michel had secured from the Lords Proprietors in the name of the Swiss Cantons of Bern, the "grant of ten thousand acres of land on or betwixt the Neuse or Cape Fear or their branches in North Carolina," provision was made for including a goodly number of these Palatines in the expedition. The people of England were glad to get them out of their country and the Queen herself contributed 4,000 pounds to assist the movement.

Christopher DeGraffenreidt, a Swiss nobleman, was associated with Lewis Michel in this movement to settle Carolina. Good title had been secured from the Lords Proprietors, ten pounds purchase money being paid for every thousand acres and five shillings yearly as a quit rent for every thousand acres.

DeGraffenreidt and Michel on October 10, 1709, entered into formal contract with the Commissioners and Trustees (who were charged with the care of these German Palatines), "for the transportation and settlement of 650 of the poor

Palatines to North Carolina." A copy of this contract is filed in the office of the Secretary of State. The contract is between DeGraffenreidt and Michel, of the one part, and "seven of the Commissioners and Trustees nominated and appointed by her Majesty's late gracious letters patent under the great seal of Great Britain for the collecting, receiving and disposing of the money to be collected for the subsistence and settlement of the poor Palatines lately arrived in Great Britain," on the other part.

It is recited in the contract that DeGraffenreidt and Michel have purchased a large tract of land in America called "North Carolina," that this land lies waste and uncultivated for want of inhabitants and that they have applied to the Commissioner having in charge the poor Palatines that some of them may be settled in North Carolina (this as well for the benefit of DeGraffenreidt and Michel as for as the relief and support of the said poor Palatines); that whereas the said Commissioners have thought it well to dispose of for this purpose six hundred persons of the said Palatines (which may be ninety-two families more or less), and have given to each of said six hundred Palatines 20 shillings in clothes and have paid and secured to be paid to DeGraffenreidt and Lewis Michel the sum of 5 pounds 10 shillings for each of the said six hundred persons for their transportation to North Carolina and for their comfortable support there.

It is agreed in this contract that DeGraffenreidt and Michel, for the consideration aforesaid, shall at their own cost, within two days embark or cause to be embarked in two ships six hundred of such of said poor Palatines as designated by the Commissioners and cause them to be transported to North Carolina, providing them with food and other necessities during their voyage. It is provided that upon their arrival in North Carolina DeGraffenreidt and Michel shall within three months survey and set out 250 acres of

the said tract of land for each of the families (ninety-two, more or less), and that these allotments "be as contiguous as may be for the mutual love and assistance of the said poor Palatines one to another, as well with respect to the exercise of religion, as to the management of their temporal affairs."

To avoid disputes this land was divided out to the families by lot. For the first five years no rent was to be paid, but after that period two pence per acre was to be paid annually. For the first year after their arrival DeGraffenreidt and Michel were to provide for the Palatines sufficient quantities of grain and other provisions for their support, but account of this was to be kept and at the end of three years payment for same was to be made.

It is further provided that within four months after their arrival, DeGraffenreidt and Michel at their own expense shall provide for each family "two cows and two calves, two sows with their several last litter or number of pigs, two ewe sheep and two lambs, with a male of each of the said kind of cattle, to propagate and increase." It is agreed that at the expiration of seven years after delivery thereof "the value of said cattle so delivered, with a moiety of the increase thereof remaining in their hands from the original stock shall be given DeGraffenreidt and Michel."

Further provision is made in this contract that immediately after the division of this land into the two hundred and fifty-acre parts each family is to be supplied by DeGraffenreidt and Michel free of cost with "plantation tools and utensils for felling of wood and clearing of ground and for building of houses for their own proper use and behoof."

It is finally provided that this contract shall be construed in the sense most favorable to the poor Palatines and that "in cases of difficulty relating to the premises it shall be referred to the Governor of the said county or province of North

Carolina for the time being, whose order and direction not contrary to the intention of these presents shall be binding and conclusive as well to the said Christopher DeGraffenreidt and Lewis Michel, their heirs, executors and administrators, as to the said poor Palatines."

This contract seems to have been entered into with a real disposition to safeguard the interests of the Palatines, however anxious the people of England were to rid themselves of an element of their population which was burdensome upon their treasury.

Six hundred and fifty of the strongest and healthiest of the Palatines were chosen by DeGraffenreidt for the expedition, and in vessels which had been inspected by a Committee of the Upper House of Parliament they made their start across the Atlantic with the Carolina coast as their objective. That these men were not an irresponsible band of adventurers, but a band of resolute men really zealous for noble achievement may be gathered from the preparation they made for a journey which was uncertain in its outcome and which held large possibility of disaster to them. The religious services held just prior to their embarkation show a degree of piety and seriousness not altogether common among explorers and early settlers.

Rigorous persecution had driven these people from homes that were once happy and contented to seek an asylum in other lands. No better class could be selected for a stern and perilous undertaking than those poor Palatines. No surer test of moral stability could be applied than the persecution to which these people were subjected. Their determined adherence to the principles approved by their conscience evidenced the heroic quality which was to stand them in need. They came from a land which had been desolated by cruel wars and where merciless persecution at the hands

of the popish Elector had been their portion and that of their Protestant friends.

DeGraffenreidt was moved by selfish interest and with no thought of affording aid and comfort to the Palatines except as incidental to the development of the large emigration schemes in which he was interested. He was much of an adventurer, interested wholly in money making. He came from noble ancestry and his handsome features and pleasant manners made him a general favorite. Queen Anne of England was attracted by him and made him a Baron of England and Landgrave of Carolina. His presence in England was due to his determined purpose to rehabilitate his shattered fortune in the New World, and England offered the avenue to that end. Possibly the Duke of Albemarle had inspired him with some of his own faith in the abounding wealth of this new land. It is certain that these two were closely associated for some time, and it is altogether probable that his purpose to promote an expedition to America was strengthened by this association.

DeGraffenreidt himself could not accompany this expedition, as his purpose was to sail with the colonists he expected from Bern, so he appointed three men to have general supervision of the enterprise and direct its movement. It seems that these men were prominent Carolinians, who at that time happened to be in England. One of the three was probably Lawson, the Surveyor-General.

Solemn services, at which Degraffenreidt was present, were held just prior to the sailing at Gravesend on the Thames. A sermon was preached to the departing colonists, songs were sung and prayers offered—all appropriate to the solemn occasion. The weather was mild when they set sail in January, 1710. For awhile they had pleasant sailing, but encountering severe storms they were much delayed, and after thirteen weeks they landed greatly depleted in number

and with vitality and enthusiasm considerably reduced. More than half their number died on this voyage. Much of their worldly store was taken from them by a plundering French navigator who ran across them in crippled condition in the Virginia waters, where they first entered.

Fear of pirates and uncertain information as to the perilous bars which run along the eastern coast of North Carolina determined them on the land expedition to North Carolina rather than the water, and so they moved southward from Virginia, coming by way of Colonel Pollock's place on the Chowan River. Crossing the sound they entered Bath County and continuing southward they finally reached the land lying between the Neuse and Trent rivers, called by the Indians "Chattawka."

Lawson's character seems to have been bad—very bad, as was developed early in the history of this colony. Thoroughly mercenary and unscrupulous, he seems only to have aimed at selfish aggrandizement. Without any right to it, he laid claim to the land between the Neuse and the Trent and sold it to his gullible fellow travelers at a high price, and upon the assurance that it was uninhabited. They soon found they had bought from this primitive land speculator the homes of Indians. King Taylor, the Indian chief, some time afterwards sold this land to DeGraffenreidt.

The condition of these colonists soon became desperate. These "poor Palatines," with perfect faith in him, had committed their money to DeGraffenreidt before leaving England. They were reduced to real want some time prior to the arrival of the Swiss and had disposed of most of their clothing and goods to obtain things necessary to life. The Swiss in the meantime had sailed to Newcastle in England, where they were joined by DeGraffenreidt and then had started on their voyage to America. This was early in the summer of 1710.

The movement of the Swiss this way was caused by an embarrassing situation in their country brought about by their own generous treatment of the persecuted Protestants during the Reformation. Switzerland during this period offered a refuge to them and in large numbers they fled there to escape persecution in England, France and the Netherlands. Knox and Calvin found an asylum here. Thousands found shelter from pitiless religious persecution in these friendly cantons. A powerful strain upon the generous accommodation of the Swiss resulted. By agreement Bern was to give succor to one-half of the refugees. The Protestant cantons opened wide their doors to the persecuted ones and soon found their ability to give aid considerably overtaxed.

In 1687 the Swiss confederation sent petitions to Brandenburg, Hesse and Holland, asking that aid be given Switzerland in taking care of the exiles of the Reformed church. In this year eight thousand Protestant refugees entered Geneva. Twenty-eight thousand had passed through in search of a place of safety. Dispite the aid received from the French Protestant Refugee Fund and amounts raised in various ways for their support, they became a heavy burden upon the Swiss. Religious wars added a most distressing feature.

Not only did the hospitable cantons begin to cast about for some place where these people might be settled to the advantage of the refugees as well as to their own comfort, but the unsatisfactory religious situation impelled many Swiss to leave their country and seek homes elsewhere. This offered then the field for the exercise of DeGraffenreidt's cunning, and afforded just the material he needed in the prosecution of his colonization scheme. We have seen how he had joined the band secured from Switzerland which came by way of Holland, and set sail with them in the sum-

mer of 1710 for the land across the sea. Probably the number was not large, as only one ship load is known to have come in this expedition. Their voyage was uneventful. Like the Palatines they landed in Virginia and following somewhat the same course as the former expedition, they came southward to Chattawka and found the colony in pitiful plight. Stricken with sickness and in dire need they had well nigh reached the point of desperation.

DeGraffenreidt says of them at that time: "I can not enough insist on the wretched and sorrowful state in which I found these poor people on my arrival—nearly all sick and at the last gasp, and the few who had kept their health despairing entirely." Sickness had not alone weakened their bodies, but had dispirited them.

One can well imagine the cheer and hope which repossessed them when DeGraffenreidt and his followers reached Chattawka. New life was infused into all. DeGraffenreidt assumed leadership and went vigorously to work to improve conditions. According to his statement they in eighteen months "managed to build homes and make themselves so comfortable that they made more progress in that length of time than the English inhabitants in several years."

Things were getting in fair condition for a reasonable degree of comfort for the colonists. The inventive genius of the colonists provided in somewhat crude fashion conveniences and establishments for the enjoyment of a fair degree of comfort and prosperity. Being a Landgrave, DeGraffenreidt had official distinction and influence in the colony, which he used to advantage in the laudable task which engaged him of building up a town with as many conveniences as those primitive times would afford. He named it New Bern.

During the early days affairs went smoothly enough.

Other settlers, mostly English, joined them, purchasing land and uniting with them in developing this land so fresh from the hands of savages.

It is not to be supposed that the Indians saw with entire complacency this beautiful land of theirs between the rivers taken over completely by the strangers. They waited an opportune time, and in September of the second year they fell upon the settlement with barbarous fury and nearly annihilated it. More than a hundred people of this New Bern district were tortured to death by the Indians. DeGraffenreidt and Lawson were not present at the massacre, but they did not escape its brutal influence.

In September of this year (1711) DeGraffenreidt and Lawson went up the Neuse River on a tour of exploration, carrying with them provisions to last them fifteen days. They had with them two negroes, who did the rowing, and two friendly Indians, one of whom spoke English. Information about the country was scant and it was to determine the navigability of the river, the distance of the mountains from them and the possibility of laying out a good road to Virginia that the expedition was undertaken.

No Indians lived along the banks of the river and no danger from them was anticipated. They were, however, captured by the Indians and taken to King Hencock, who was at Catechna, seated in state with his council about him. DeGraffenreidt's golden star, which he wore about his neck, on which was emblazoned his coat of arms, seems to have impressed the Indians with a superstitious dread, and making a friendly agreement with him, they sent him back to New Bern. Lawson had nothing with which to inspire their fears or induce their favor, and so after subjecting him to torture, he was put to death.

Lawson himself might have escaped death had he held his temper under control and avoided the quarrel with Cor Tom,

the king of the village. Unheeding DeGraffenreidt's remonstrance he persisted in the quarrel until at last some of the Indians, thoroughly incensed, threw themselves upon the whites and condemned them to death. We have seen how DeGraffenreidt's golden star saved him, but no mystic influence came to the rescue of Lawson, and after horrible torture he was put to death. DeGraffenreidt's journal gives a graphic recital of this adventure. He says:

"One day when the weather was fine and there was good appearance that it would last, Surveyor General Lawson proposed to me to go up Neuse River hunting, that there were plenty of wild grapes there which we could gather for replenishing ourselves. We could see likewise whether the Neuse River could be navigated in its higher course and could visit besides the upper country. I had long been anxious to find how far it is from here to the mountains.

"I accordingly resolved to take the trip, being assured that no savages lived on that branch of the river. But to feel safer we took two Indians to guide, which we knew well, with two negroes to row. So we went peacefully on our way. We had already gone a good two days journey and were near the village of Coram when we met Indians armed as for hunting, and we had hardly turned backwards when such a number came out from the bushes and they overtook us so suddenly that it was impossible to defend ourselves. They accordingly took us prisoners and led us away.

"Such a rare capture made them proud; indeed they took me for the Governor of the Province himself and we were compelled to run with them all night across thickets and swamps until we came to Catechna or Hencocks-towne where the King called Hencock was sitting in state.

"The King stood up, approaching us and speaking to us very civilly, and they discussed at last whether we were to

be burned as criminals or not. They concluded negatively, inasmuch as we had not been heard as yet, and at midday the King himself brought us to eat a kind of bread called dumplings and venison.

"In the evening there came a great many Indians. The Assembly of the Great, as they called it (consisting of forty elders sitting on the ground around a fire, as is their custom) took place at ten o'clock in a beautiful open space.

"There was in the circle a place set apart with two mats for us, a mark of great deference and honor. We therefore sat upon them and on our left side our speaker, the Indian who had come with us. The speaker of the assembly made a long speech, and it was ordered that the youngest of the assembly should represent the Indian nation, the King putting the question. We were examined very strictly concerning our intentions and why we had come hither. Also they complained very much of the conduct of English colonists and particularly Mr. Lawson, charging him with being too severe and that he was the man who had their lands.

"After having discussed at length they concluded that we should be liberated, and the following day was appointed for our return home. The next morning we were again examined, but one, Cor Tom, being present, the King of Cor village, he reproached Mr. Lawson for something and they began to quarrel with great violence, which spoilt things entirely. Though I made every effort to get Lawson to quit quarreling, I did not succeed.

"All at once three or four Indians fell upon us in a furious manner. They took us violently by the arms and forced us to sit upon the ground before the whole of them there collected. No mats were spread for us. They took our hats and periwigs and threw them into the fire and a council of war being held we were immediately sentenced to death. On the day following we were taken to the place

of execution. Before us a large fire was kindled. Whilst some acted the part of conjurers others made a ring around us which they strewed with flowers.

“Behind us lay my innocent negro, and in this miserable situation we remained that day and the subsequent night. I was wholly resolved to die and accordingly offered up fervent prayers during the whole day and night and called to mind as I could remember them even the least sins. I tried and recalled all what I had read in Holy Scripture, in short I prepared myself the best I could to a good and salutary death.

“I found in the meanwhile a great consolation in considering the miracles which our Lord Jesus had made and I addressed forthwith my ardent prayers to my Divine Saviour, not doubting that He would grant them and perhaps change these savage hearts harder than rocks so that they would pardon me—what indeed happened by God’s miraculous Providence.

“On the morning of the next day on which we were to die a great multitude was collected to see the execution. Thus began our long tragedy which I would like to tell if it were not too long and dreadful—but—since I begun I will go on. In the center of that great place, we were seated on the ground, the Surveyor-General and myself, bound, and undressed with bare heads, and in front of us a great fire; near it was the conjurer or High Priest (an old grizzled Indian—the priests are generally magicians and can even conjure up the devil), a little further was an Indian savage standing.

“He did not move from the spot with a knife in one hand and an axe in the other. It was apparently the executioner. Around us sat the chiefs in two rows; behind them were the common people, upwards of three hundred in number—men, women and children with faces painted red, white and black.

who were jumping and dancing like so many devils and cutting a variety of infernal capers.

"Behind us stood armed Indians as guards, who stimulated the dancers by stamping with their feet and firing their guns. Yes indeed, never was the devil represented with a more frightful appearance than these savages presented as they danced around the fire. I uncovered my soul to my Saviour Christ Jesus and my thoughts were wholly employed with death. At length, however, I recollected myself and turning to the council of chiefs made a short discourse, assuring them that the great Queen of England would avenge my death.

"I further stated whatever I thought fit to induce them to some mitigation. After I had done speaking I remarked that one of the notables (who was a relative of King Taylor, from whom I bought the land where New Bern now stands) that notable spoke earnestly, apparently in my favor, as it came out. Then it was forthwith resolved to send a few members to their neighbor, a certain King Tom Blunt of the Tuscaroras. The result was as will be seen that I was to live and that poor Surveyor-General Lawson was to be executed. Thus God in his mercy heard my prayers.

"I spent that whole night in great anguish awaiting my fate, in continuous prayers and sighs. Meanwhile I also examined my poor negro, exhorting him the best way I knew—and he gave me more satisfaction than I expected—but I left Surveyor-General Lawson to offer his own prayers as being a man of understanding and not over religious.

"Towards three or four o'clock in the morning the delegates came back from their mission and brought an answer, but very secretly. One or two of them came to unbind me; not knowing what this meant I submitted to the will of the Almighty, rose and followed him as a poor lamb to the

slaughter. Alas! I was much astonished when the Indians whispered in my ear that I had nothing to fear but that Lawson would die, what affected me much.

"They also liberated my negro, but I never saw him since. I was forbidden to speak the least word to Mr. Lawson. He took accordingly leave of me and told me to say farewell in his name to his friends. Alas! It grieved me much to leave him thus. I tried to show my compassion by a few signs.

"Some time after the man who had spoken in my favor led me to his cabin, where I was to be kept awaiting further orders. In the meantime they executed the unfortunate Lawson. As to his death I know nothing. Some said he was hung, some said he was burnt. The Indians kept that execution very quiet. May God have mercy on his Soul!

"The next day the notables came to tell me of their design to make war in North Carolina. They advised me that no harm would come to Chattawka (the old name of New Bern), but that the people of the colony ought to go into the town or they could not answer for the evil that could happen. Good words enough, but how was I to let the people know, since none would take a message for me? A few days later the savages came back with their booty. Alas! what a sight for me to see, men women and children prisoners. The very Indian with whom I lodged happened to bring with him the boy of one of my tenants and much clothing and furniture, which I well knew. Alas! what was my apprehension that my whole colony was ruined, especially when I had privately questioned the boy. He cried bitterly and told me how this same Indian had savagely killed his father, mother and brother, yes his whole family. I had to remain six weeks a prisoner in this hateful place Catechna. I was once much perplexed. All men had gone to that plundering expedition, the women some to gather wild cherries, others to dig some kind of roots called 'potatoes,' which are yellow, very good

and dainty. On that day I was alone by myself in that village. \* \* \* I accordingly said my prayers and then examined the *pro* and *con* as to whether I should take flight or not, and found at last it was best to stay. Experience showed that I made a wise choice. \* \* \* The barbarous expedition being ended, on the Sunday following their great Indian festival I having concluded a treaty of peace with these people, they brought me a horse. Two notables escorted me to Cor Village, gave me a piece of Indian bread and then left me.

“Thus have I escaped from the cruel hands of this barbarous nation, the Tuscaroras. Thence I had to foot it homeward. Quite lame, shivering with cold, nearly dead—my legs so stiff and swollen that I could not walk a step, but supported myself on two sticks, at last I arrived at my small home in New Bern.

“When my good people saw me coming from afar, tanned like an Indian, but on the other hand considered my blue jerkin and my figure—they knew not what to think—the men even took up their arms, but when I came nearer quite lame, walking with two sticks, they knew by my look that I was not a savage. When I saw them so puzzled I began to speak with them from afar. They hallowed to the others to come, that it was their Lord returned whom they thought to be dead. And so all came in crowds, men, women, and children, shouting and crying out, part of them weeping, others struck dumb with surprise. Thus I was at last at home and in my private room, gave ardent thanks to the Good God for my miraculous and gracious rescue.”

DeGraffenreidt does not seem to have remained with the colony a great while after this. His experience in America saddened his life and this latest and most frightful adventure probably influenced his determination to return home. Whatever his personal shortcomings he seems to have labored

earnestly from his first landing at New Bern with the Berneese in 1710 to build up a happy and prosperous community.

The spirits of the colonists, from drooping, became elated as their crops began to mature in 1711. Hope repossessed them and their early visions of peace and plenty seemed in fair way of being realized. This, as we have seen, was short lived, for the merciless savages massacred eighty of their number and carried off as prisoners quite a number. During the rest of the period of warfare New Bern escaped further trouble of a serious nature. The treaty which DeGraffenreidt had made with his Indian captors was respected and, the settlement remaining neutral, it escaped further harm during the four years the war continued.

DeGraffenreidt, tired of his labors here and probably disheartened at the prospect, sold his large interests to Thomas Pollock for eight hundred pounds and returned to Switzerland. He never again set foot on this soil, but some of his descendants remained in this country. There are some in Georgia who trace their ancestry to Christopher DeGraffenreidt.

While the town of New Bern, through DeGraffenreidt's treaty with the Indians, remained unmolested, the surrounding country came in for its share of the brutal incidents of Indian warfare. Concerted action was necessary to put an end to the war. The colonists were thoroughly aroused. Governor Hyde called out the militia of North Carolina and the Legislature of South Carolina raised six hundred militia and three hundred and sixty Indians (Wheeler's History) who, under the command of Colonel Barnwell, came through the forest from South Carolina and joined the North Carolina militia on the Neuse. The Indians were fortified on the banks of the Neuse, eighteen miles west of New Bern (1712). The Indians were defeated, more than three hundred of them killed and one hundred taken prisoners. The

lines of the old fort can still be seen by the visitor to this spot, which is near the enterprising village which takes its name from the fort—Fort Barnwell.

When quiet came again and the colonists, relieved of the exacting requirements of Indian warfare, could turn their attention to the arts of peace prosperous times came and the spirit of real enterprise began to make itself felt. Emigration from the old world emptied frequently new comers into the town, ships found it a favorable harbor and it soon became a trade center of considerable importance. The town had been laid off in 1710 and grew up according to those lines. Settlements sprang up in the county adjacent to it.

A colony of Welsh Quakers, numbering among them some who afterwards attained prominence, settled below New Bern about midway between New Bern and what is now Morehead City. German immigrants came to New Bern in 1732, but moved up Trent River and established themselves in what is now Jones County, then a part of Craven.

Modern railroad development has made the crossing of Albemarle Sound a simple matter, but in those early days it offered a serious obstacle to the social, political and business intercourse between the different colonies, and in 1738 the General Assembly moved its place of meeting to New Bern, which was a change in the interest of convenience. With the increase of population and the mixture of nationalities the Palatines and Swiss became scattered (quite a number of them left the colony after the Indian massacre of 1711) and lost their distinctive organization.

In 1715 franchise was granted the town and in 1723 it was incorporated. It included then within its limits 250 acres. A provision of the law of incorporation, sec. 7th, reads:

“If any person or persons shall die possessed of any said lots without leaving heir or without making a will of the

said lot, then and in such case the absolute fee to the same shall come and revert to the said Cullen Pollock, his heirs and assigns forever."

Authentic record of the period up to the Revolutionary War is deplorably scant, but enough is available to gain a fair idea of the customs which prevailed and the spirit of the times. The minute book of the Court of Quarter Sessions is preserved in the vault of the Clerk of the Court and from its pages some interesting facts are gathered and here reproduced. Some of the writing is as clear and distinct as when put upon its pages nearly two centuries ago. That a generous and kindly spirit toward the weak and unprotected animated our fathers is clearly shown by a reading of some of the minutes of that court. A Christian spirit, too, at times shows itself and the language of the Bible is sometimes followed. The close union of church and state is evidenced in some of the minutes.

The minutes of March 20, 1740, has the following: "Mr. Philip Trapnell appears and delivers up an infant boy named Joseph Waters to this court. Ordered that the constable next in that neighborhood take the said boy into his custody and bring him to the vestry next Easter morning."

Again another minute the same month reads: "An infant about 9 years of age is brought into court. The court thought fit to bind her out to William Charlton till she come to the age of 16 years and the said Charlton gives securities for his good performance during the time she shall remain with him as follows: that he is to do his endeavor to teach her or cause her to be taught to read the Bible."

Their jealous oversight of the orphans is shown again in the minute, September, 1742, as follows: "Ordered that every master or mistress of orphans within this County bring a certificate from a neighboring justice to satisfy the court of their welfare."

The tender quality does not seem to be betrayed in the following entry made September 19, 1740: "Mary Magee appears in court. Ordered that she be stripped her clothes to her waste and receive 12 lashes on her bare back at the public whipping post." The records do not show what the charge against her was. In the light of our present civilization this action seems inexcusable, but the consciences of the judges of that day approved the punishment as doing the will of God.

Undoubtedly, too, the repressive measures exercised against those who dissented from the established church had their foundation in the firm conviction that all who refused to worship God according to the prescribed form of the English church were doing evil and would do violence to the civil as well as the church government. The following minute, taken from the record of June 20, 1740, shows how dissenters were dealt with:

"A motion and petition made by a sect of decenting people called Baptists that they may have the liberty to build a house of worship and being duly examined by the court acknowledged to, all the articles of the church of England except part of the 27 and 36 they desiring to preach among themselves. Referred."

Just before the last word two words are partially obscured by a line drawn through them. Enough, however, is seen to read the words, "but rejected."

Another record, September 22, 1740, reads: "The following dissenting Protestants appeared viz: John Brooks, John James, Robert Spring, Nicholas Purefoy and Thos. Fulcher came into court and took the oath of allegiance and supremacy and subscribed the test the 39 articles of Religion being distinctly read to them the following of which they dissented from to wit: the 36th, and the latter part of the 27th."

The fact that the English church today as well as the other Protestant churches thoroughly discountenance such infringement of the liberty of the citizen evidences marked evolution of religious thought which seems to have kept pace with the progress of democratic ideas everywhere.

Progress in every line continued to the time of the Revolution. During this period New Bern was properly regarded as the center of culture as well as political power. In 1749 James Davis set up in New Bern the first printing establishment in North Carolina, and three years later the first book printed in North Carolina came from his press. This contained the revised laws of the State, and from the color of the binding became known generally as the "Yellow Jacket."

The writer could not within the necessarily limited compass of this article deal very much with detail. Those things which concern the State are recorded too meagerly for an extended writing and those matters of purely local interest would fill a bulky volume if the task of their recital was attempted. I have sought faithfully to give in general outline the early history of Craven County and have called from the store of local incidents just enough to give some idea of the life and thought of a people who have through the years held tenaciously to the principle of liberty and developed a quality of citizenship unexcelled by any people of any time.

## JACOB MARLING, AN EARLY NORTH CAROLINA ARTIST

BY MARSHALL DELANCEY HAYWOOD.

In the Old Cemetery in the city of Raleigh, North Carolina, where so many of the "rude forefathers of the hamlet sleep," there is an upright stone on which is a brief inscription as follows:

IN  
MEMORY OF  
J. MARLING.  
Died December 18th, 1833,  
Aged 59 Years.

This marks the resting-place of an early citizen of Raleigh who enjoyed some local celebrity as a landscape and portrait painter at a period when North Carolina artists were even less numerous than now. Mr. Marling was born in the year 1774, but we are not informed as to the place of his birth. It is probable that the time of his coming to Raleigh was 1818; for, in August of that year, he announced (under the firm name of J. Marling & Co.) the opening of what he called "The North Carolina Museum." This institution stood on the northeastern corner of Fayetteville and Martin streets, about where the Citizens National Bank is now located. It was in reality a public library and reading room, as well as a museum, for his advertisement in the *Raleigh Register*, August 14, 1818, says:

"As the plan embraces a reading room, where most of the principal newspapers, literary works, reviews, etc., are regularly filed, it is confidently believed that it will afford an agreeable and useful place of resort. Natural and artificial curiosities, sketches, maps, drawings and paintings, rare coins and books, will be thankfully received and added to the collection, with the name of the liberal donor appended to them."

By way of a postscript to the above notice it is added: "General Calvin Jones has obligingly transferred the whole of his collection to this institution." This General Jones owned a plantation some miles north of Raleigh, on which Wake Forest College now stands, and he afterwards removed to Tennessee. He was a physician and scientist, a veteran of the War of 1812, and Grand Master of the Masonic Grand Lodge of North Carolina from December 8, 1817, till December 16, 1820. After the Museum in Raleigh had suspended operations, the collection of natural history specimens loaned to it by General Jones was donated by that gentleman to the University of North Carolina, of which institution he was a trustee for thirty years. In his *History of the University of North Carolina*, Doctor Battle refers to this collection, saying that some of the articles therein are probably still owned by the University, though they would be difficult to identify.

The price charged those who patronized Mr. Marling's museum and library was twenty-five cents for one admission, and five dollars for a season ticket. How long the institution remained in operation we are unable to ascertain, but it was abandoned prior to the year 1824, at which time Bishop Ravenscroft rented the hall for the congregation of Christ Church, which parish then had no house of worship of its own.

After settling in Raleigh, Mr. Marling became well known as an artist. Aside from his occupation as a painter, he seems also to have been an instructor in art at the old Raleigh Academy during a part of the time when that institution was presided over by the Reverend William McPheeters, D.D., an eminent Presbyterian divine, one of whose assistants then was George Washington Freeman, who later took orders in the Episcopal Church and eventually became Missionary Bishop of the Southwest.

The best known product of Mr. Marling's brush is a painting of the old State Capitol (a building burned in 1831), with the Bank of New Bern shown in the background. This painting is now in the North Carolina State Library, having been loaned by its present owner, Dr. Fabius J. Haywood, for whose grandfather (State Treasurer John Haywood) it was originally painted at some time prior to the year 1820. It may be that a copy of this painting, made in 1819 by one of the pupils of Mr. Marling, is still preserved somewhere in the State of Georgia, for the *Raleigh Star*, of June 18, 1819, in describing commencement exercises at the Raleigh Academy, said:

"Two views, one of the State House, Bank, and a part of Newbern Street in Raleigh, and one of a field, copse of wood, etc., in the neighborhood of this city, copied by Miss Lavinia Richardson, of Georgia, from the original paintings of Mr. Marling, are fine specimens of art which do equal credit to the genius and industry of the copyist. The other pupils are young artists who have not greatly improved their talents. However, two landscapes and a flower, by Jemima Powell, two landscapes and a sea piece by Mary Bell, one flower by Laura Wray, and three flowers by Catherine E. Clark, all painted, are favorable specimens of the skill of the respective artists. The dignity of landscape painting was probably assigned to superior attainments in this art."

One of the sins to which Mr. Marling was addicted was a fondness for playing cards when money was at stake; and an amusing anecdote has floated down the years, which have elapsed since that period, concerning a remark he made in excusing himself for leaving a game which was in progress. He and some of his friends had started playing early in the evening and sat at the table until after 4 o'clock the following morning, when Mr. Marling arose to leave just as day was breaking. Upon being urged to stay, he insisted that it was time for him to go home, remarking as he walked out: "Gentlemen, I must leave; *Mrs. Marling will be waiting tea.*"

Mr. Marling died in Raleigh on the 18th of December,

1833. An obituary in the *Raleigh Register*, of December 24th, was as follows:

“DIED: In this city on the 18th instant, after a long and painful illness, Mr. Jacob Marling, whose fine taste and skill as a portrait and landscape painter are extensively known, aged about 60 years, leaving a widow and numerous friends to lament his loss.”

A similar notice appeared in the *Raleigh Star* of December 27th. Mrs. Marling survived her husband quite a number of years, and is still remembered by some of the oldest citizens of Raleigh. At the time of her death, or shortly before that, she was the owner of a large painting called “The May Queen,” and possibly other works of art produced by her husband, but I am not advised what became of them. Indeed, Mrs. Marling herself was a woman of some artistic talent and had a class which she taught painting upon silk, velvet, and glass. This proving unprofitable, she later went into the millinery business, and probably was so engaged until old age necessitated her retirement. She died soon after the close of the War between the States.

## SOCIAL CONDITIONS IN NORTH CAROLINA IN 1783

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BY S. A. ASHE.

(Being the opening chapter of the second volume of the History of North Carolina.)

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Social conditions in North Carolina in the year 1783, the year of peace and independence, were Acadian in their simplicity. The commonwealth, extending far into the wilderness, numbered some 350,000 souls, slave and free, widely scattered, nearly one-tenth beyond the distant mountains; with no city—and indeed only a few villages whose population reached a thousand; as yet commerce, so long interrupted, had not revived; there were no manufactures, save the work of the men and women in their homes; no currency; poor markets and only bad highways; no newspapers, and not a single printing press; but few schools, and religious instruction but scantily supplied;—in a word, with nought but freedom and farm products, manhood and energy.

Nor were the people entirely united in the bonds of amity and friendship. Probably a full third of the white population had not espoused the cause of separation and independence. Early in the struggle a considerable number, unwilling to take the test oath, had, under the stringent laws of the state, been forced from their homes and had sought shelter abroad. Later, when Hamilton, a Scotch merchant, and MacLeod, a Scotch minister, arranged for the formation of a loyal regiment, many repaired to the King's standard. From time to time others joined this regiment; but between the suppression of the Royalists at Moore's Creek, followed quickly by the defeat of the British fleet at Charleston, and the appearance of Fanning on the upper Cape Fear in 1780, there was a period of comparative repose, during which the disaffected adjusted themselves to the prevailing conditions. The

Assembly, session after session, postponed putting into full operation the confiscation acts, and, practicing tolerance and conciliation, allowed the Tories to remain unmolested, classing them, along with the Quakers, as "non-jurors," but imposing special taxes on them.

The bridge between a "non-juror" and a "good and true citizen" was opened and made easy to cross; and along with Rev. George Micklejohn, James Hunter, Dr. Pyle and many other conspicuous Tories who soon took the test oath, men of smaller consequence resumed association and fellowship with their Whig neighbors. But the harrowing events of 1781, when the malcontents under McNeil and Fanning, established a reign of terror in the Cape Fear region, put an end to toleration. The inhumanities and butcheries of the closing years of the long struggle left an indelible mark on the social conditions of the State. Fierce resentment and implacable hatred took possession of the contending factions; and when the British army withdrew many of the Tories departed, some going to Florida and some to Nova Scotia, where the negroes carried off by the British also were located, while others sought new homes in the distant west, even crossing the mountains and establishing themselves in the outskirts of the western settlements. It was in that period of rancorous animosity that the former policy of conciliation was abandoned and measures were taken to enforce the confiscation laws; and thus when blessed peace came there were mingled with the pæans of victory loud execrations of the hated Tories.

The waste of the war had not yet been overcome. Especially in the Cape Fear counties had the destruction been great; and so many families there were in dire need that by a general law they were to be exempt from the payment of taxes in the discretion of the county justices. Elsewhere the inhabitants were suffering because of the absence of markets

and of facilities to dispose of the products of their industry, but the people were measurably inured to their situation and had been so long accustomed to their privations that they scarcely realized the hardships. They had known nothing better.

Life offered no field for activity but on the farm and in the forests; and clearing new land and making forest products were the only openings for energy and enterprise.

During the war to supply the necessities of the people as well as the needs of the army, bounties had been freely offered to stimulate manufactures, but when the occasion had passed the bounties ceased. Yet the looms were still busy, skins were tanned, and furs secured from otters and beavers, and shoemakers and hatters plied their trades.

At that period factories had not been erected anywhere in America; there were no power looms, and only the spinning jenny and hand weaving were in use, and nails were still made by hand. But so industrious were the people in their homes that many districts not only clothed themselves, but had a surplus of cotton, linen and woolen cloths for sale.

In the tidewater regions where naval stores abounded, men found profitable employment in making tar, pitch, and turpentine, of which the mercantile world stood in great need, while lumber and staves were always in demand for the West Indies. In Colonial days trade with the British Islands in the Caribbean sea had brought in a liberal supply of specie; but when the State separated herself from the British empire the restrictive navigation laws obstructed that commerce. Yet England soon fostered shipments to her own ports, and the London merchants hastened to send their goods to markets that were bare of foreign manufactures.

The great forests of the State, so rich in products, were virtually unbroken. While near the coast and in the Albemarle region there were some large plantations, in the interior

the holdings were smaller, and the clearings were only such as were needed for cultivation. Generally every man owned his land, and, as there was no labor for hire, tilled his own fields. Back from the markets where there was a surplus of corn and grain, hogs and cattle were raised and driven on foot for sale. Also in some communities grain was converted into whiskey, and the fruits of the orchard into brandy.

Agriculture, the chief occupation of the inhabitants, had long received intelligent application, and despite adverse conditions presented examples of thrift and skill. At the east rice and indigo were grown, as well as flax and cotton; while along the water courses, lumber and staves and naval stores were produced. In the upper country where the soil and climate were suitable tobacco and the cereals were cultivated, and clover was not unknown. Mr. Hooper, a lawyer rather than a farmer, wrote to his merchant at Edenton, "Send me a barrel of clover seed."

But transportation facilities were sadly lacking; and back from the rivers the want of good roads was a serious drawback. Public highways had been laid out connecting the back country with the several market towns of the east, but they could not be maintained in good condition, and the Northwestern counties found it more convenient to trade with Virginia towns, and the Southwestern with Charleston. The exports were tobacco, tar, pitch, turpentine, potash, staves, lumber, rice, and provisions, all of these except alone tobacco being the products of the east. Indeed, transportation to market involved such an expense as to largely deprive the products of the distant interior of their value.

Necessarily all sales of products were made to merchants, who established themselves at convenient points in the interior, and setting their own prices, made great gains by their bargains.

Of money there was none; the State as well as the Continental currency had ceased to have value, and to express utter worthlessness the phrase was coined—"not worth a continental." Money is not only of value in itself, but it is the standard by which the value of other things is measured and the chief instrument of commerce by which exchanges are made, and the very foundation stone of credit. When the State and Continental paper fell, there was virtually no specie in circulation. Neither gold nor silver had been found in any of the colonies, and the entire country was dependent on such foreign coin as could be obtained for commodities, and there were but few commodities to send abroad. The people were indeed without a currency. In the extremity recourse was again had to an issue of State bills. At the April meeting of the Assembly a proposition to emit new bills, matured by William Blount, met with general concurrence. To give the issue a footing of substantial value a special tax was levied to redeem it, and its redemption was further secured by a pledge of all the confiscated property of the Tories held by the State. The currency of the Revolution had been dollars to distinguish it from Colonial issues; and now to emphasize that the new issue was on a distinct footing, it was in pounds and shillings, the pound being of the value of two and a half silver dollars. The shilling was the same as the Spanish "bit," later twelve and a half cents. The amount was conservatively limited to a hundred thousand pounds.

There were no buggies, but few coaches, and traveling was on horseback, men riding their own horses hundreds of miles, and the women seldom visiting out of their neighborhood. The assembly had established no mail facilities, but the post route opened at the beginning of the Revolution, along the coast, passing through Edenton and New Bern and Wilmington, had been continued by Congress and

was still in operation, but there were no post ridings to the interior. Letters were sent by hand. Without means of communication, the dissemination of intelligence among the people was slow and unreliable. Information about current affairs was acquired by conversations at casual meetings, at religious gatherings and the sessions of the county courts. Indeed, these quarterly courts had no inconsiderable educational value. More than any other instrumentality they kept the people in touch with civilization. In every district of each county there were two or more justices of the peace, and constables, and often a deputy sheriff. The justices were men of responsibility and approved character, and around them centered a strong personal influence. They met quarterly at the court-house and administered the public affairs of the county. They laid taxes, appointed officers, provided for the poor, looked after the orphans, and the settlement of estates of deceased persons. They laid off roads, appointed the overseers and directed the construction of bridges. In a word they exercised all the powers of government in matters of local interest in the several neighborhoods of the county. Also, they tried offenses against the law and civil suits between litigants. Necessarily they were attended by many jurors, witnesses and parties interested in their proceedings. Others with no particular business likewise attended from a desire of intercourse with fellow-men; and so those occasions thus drew great crowds together, and at such times private accounts were settled, trades were made, and ordinarily there was much swapping of horses, and occasional trials of speed, for the people dearly loved a horse race; also, there were more or less drinking and carousing, and contests, friendly and otherwise, of personal prowess. It was always a field day when court met. But apart from the social side of such meetings, in addition to these oppor-

tunities of social intercourse, there was a distinct value in training the people in respect for law, and in educating them in local administration, in legal processes and in matters of public concern. Many a man who could read no word in a book knew well the common law of the land, knew private rights and wrongs, knew nice distinctions and could weigh with unerring judgment the value of evidence. As deficient in schooling as the Barons of Runnymede, they had intelligence trained by experience into practical wisdom.

Religion, the traditional inheritance of the race, measurably entered into the lives of the people who, however, were generally neither warmly attached to doctrine nor very demonstrative in their zeal. Francis Asbury noted in his Journal in April, 1780, that he preached in Halifax County to about five hundred persons—and “the people were solemnly attentive.” A few days later, he found “people were for the ordinances, though not heated.” At the Tabernacle, about four hundred attended:—“The people very insensible. I think these people must be awakened by judgment, for it appears the gospel will not do it”; on Sunday at Green Hill, Franklin County, O’Kelly “raised high, and was very affecting, but to little purpose. There are evils here,—the meeting not solemn: the women appeared to be full of dress; the men full of news. The people are gospel slighsters: I fear some heavy stroke will come on them.” Somewhat later Rev. Henry Patillo, a learned and observant Presbyterian minister, a man of great liberality and thoroughly imbued with a spirit of Christianity, wrote—“As to our young people, and others not well settled in their principles, joining with other professions, and particularly the Methodists, I would just observe that this seems to be the versatile season with America; and a change of religious profession

has become almost as common and as little noted as the variations of the weather in this most changeable climate."

This zealous Presbyterian also mentioned having received warm, friendly letters from the Methodists—whose bias naturally was towards the church of England—"expressing their wishes to cultivate a nearer intercourse, and that bigotry might cease among Christians"; nor were the Baptists of a different mind, for he likewise pointed to "the friendly intercourse that subsists between the Baptists and us in all respects, except communion, known and acknowledged by all." Altogether, the picture he presents is free from the baneful spirit of religious intolerance. Indeed no zealous attachment to doctrine can be observed, but, rather, there was an expressed desire of Christian fellowship. Doubtless in those years when the denominations were unorganized and when there was an insufficient number of ministers, there was a loosening of religious ties and an indisposition to adhere closely to doctrine; but the seeds of piety had been sown and were planted in a fruitful soil, even if they lay dormant for a season.

In colonial days the Church of England had in some measure been organized in the eastern counties, especially near the Virginia line, but, as constituted, upon the declaration of independence it was a solecism and out of place in the colonies. A portion of the National Church of England, with the rubric of the Book of Common Prayer requiring a prayer for the King, it did not fit the new conditions. Its members had been foremost in asserting their political rights, and under their leadership, chiefly, the Revolution had been begun and brought to a successful close. Notwithstanding the separation from England, by them it continued to be regarded as the Apostolic church, and they remained true to their faith and devotedly attached to the rites, ceremonies

and practices of "the church." While the position of the laymen was thus peculiar, that of the ministers, being under the jurisdiction of the Bishop of London, was full of embarrassment. One of them, Rev. Mr. Wills, at Wilmington, withdrew from his charge in 1775, although he remained on the Cape Fear and performed the marriage service and perhaps other rites during the war. As the ordination of a new minister could be only by the Bishop of London, no other was then called, and twenty years elapsed before that pulpit was again filled.

At New Bern, Rev. Mr. Reed, although a loyalist, continued to officiate; while the Edenton congregation had the services of Rev. Charles Pettigrew, a warm patriot, in the place of the Rev. Mr. Earl, who, in 1775, retired to his farm in Bertie County, although his sympathies were with the people. Rev. George Micklejohn, the pastor at Hillsboro, who was taken at Moore's Creek, remained in the State and eventually took the test oath, and after peace was a minister in Virginia. The other incumbents are said to have been in sympathy with the Revolution and to have continued their services without interruption. But on the separation from their mother country, there being no method of procuring ordination, the power of the organization to perpetuate itself ceased. In addition to this drawback the association of the church with the English hierarchy and its theoretical connection with the British government were distinct influences adverse to its being regarded with favor by the struggling patriots. Its members were as sheep in a wilderness without a shepherd. The three orders of ministers were essential to its existence, and there was no bishop in America. Naturally it was engulfed in stagnant waters, and years elapsed before it revived. In 1783 in Maryland, it assumed the name of "The Protestant Episcopal Church in Maryland," and

that name was adopted by a General Convention held three years later. About the same time the consecration of Bishops was secured; and that deficiency was supplied. But so weak were its adherents in North Carolina that year after year passed without any effort at organization, and when efforts were made, about 1790, they failed of success.

Nor were the other denominations, in the eastern counties, in a much more vigorous condition. Although there were a few Presbyterian congregations on the waters of the Cape Fear, in 1783 there seems to have been no minister of that faith east of Granville. The Baptists, however, were better settled, and there were Baptist ministers, especially in the northern counties, each congregation being separate and independent. Farther west the Baptists were still more flourishing; and there also the Presbyterians were well established, having at the end of the Revolution about a dozen pastors actively at work—men of high repute, and teachers as well as preachers to their flocks. In 1770 Orange Presbytery had been organized, and in 1788 the Synod of the Carolinas was formed. It was in that year that Rev. Mr. Patillo, who was located in Granville, published at Wilmington, Delaware, his volumes of sermons. He also published an interesting volume on geography.

The first Methodist Societies organized in North Carolina looked to Rev. Mr. Wesley as their head, and recognized the authority of the ministers of the Church of England; and, indeed, they were regarded as being within the folds of that church. Dr. Coke was of that communion, and the first Methodist to preach in the State, James Pilmoor, afterwards became an Episcopal minister in New York. Like the Church of England, the Methodists suffered some detriment because of the conflict with the mother country, whence had emanated the influences that established and controlled the so-

cieties; but in 1784, at a Conference held at Baltimore, a new, distinct and separate organization was adopted. Yet notwithstanding the Methodists thus severed connection with the Protestant Episcopal Church, Christian fellowship was still maintained.

In 1780 Francis Asbury had traveled through the northern central counties, visiting the societies that had been established, and the year after the new organization he and Dr. Coke held at Green Hill, Franklin County, the first Conference. But despite the zeal and activity of the ministers, the growth of the Methodists, like that of the other denominations, was slow in the State. The people in many communities of the center and east had lived so long without regular ministrations that they had become somewhat indifferent to the formalisms and doctrines of church organizations. The Quakers and Moravians being men of peace, had not suffered much during the war, but rather had reaped the reward of their steady habits and productive industry.

Unhappily, conditions in general were promotive of illiteracy, for educational facilities were meager and insufficient. The proposition to establish a public school in every county, made during Governor Dobbs' administration, had come to naught because some English merchants objected to the issue of currency proposed for that purpose; and Governor Dobbs having omitted to inform the assembly of the particular objection, the obstacle was never removed.

The subject thus passed out of view, and no further effort was made for general education at public expense. There were some private schools, but they were inadequate for the general education of the people. Yet the condition was not so bad but that it could be worse; and apparently it became worse. In 1826 Governor Burton urged on the Assembly: "Many enlightened persons believe that it is more difficult

for an individual in ordinary circumstances to obtain for his child, at this time, the common rudiments of education than it was at the period when our constitution was adopted."

Although there was a constitutional provision requiring the establishment of public schools, and also of a university, yet the provision was long inoperative. No general system of public instruction had been introduced anywhere except alone in Massachusetts; and circumstances were adverse to its inauguration in North Carolina. Education by the State has been a development of a more recent period. It was not then demanded by the spirit of the times. The scarcity of money made it difficult to pay taxes, and there was a general reluctance to pay public dues; but more than all, the isolated lives of the separated farmers, residing in sparsely settled neighborhoods, led them to be indifferent to education. Indeed, as Dickson expressed it, "the genius of the people was not adapted to the study of learning and science. The objects they had in view were money and pleasure."

There were no magazines, no newspapers, or story books to stir the mind, to nourish the imagination, to exercise the mental faculties. Acquaintance with the art of reading and writing but little enlarged the horizon of life or added to the zest of living. In that primitive condition of existence, such education as could be obtained was of slight service in the daily routine of farm work, and was not felt to be indispensable, either for its usefulness or as contributing to recreation in the family circle. The labors of the day were not supplemented by intellectual pleasures. A considerable number of the poorer settlers probably had been without the rudiments of an education, and illiteracy was on the increase among that portion of the inhabitants. An essayist, writing of Caswell County, says: "Between 1775 and 1800 a common English education—to read, write and cypher, was ob-

tained by only one-half of the people of that county." Elsewhere it was largely the same. The absence of public schools bore heavily on the social condition of the interior. Yet there were individual efforts to maintain primary schools and even academies. At every session of the Assembly some new academy was incorporated, and trustees appointed to manage its affairs; but necessarily the influence of these was limited largely to the vicinity of the villages where they were situated and to those more prosperous families that had always enjoyed the advantages of education, for in every county and settlement there were then as now, some families of education who knew its value and fully appreciated its beneficial influences, and no sacrifice was accounted too great to obtain it for the children.

In that period of isolation when there was so little room for intellectual effort, the art of letter writing was practiced by few, and, other than the public records, the memorials of the time are scant and meager. Nor has the small stock of what survived the uses of the day been carefully guarded. Williamson, Martin, Murphey, Hooper, and others sought, in succeeding generations, to gather up the scattered fragments for historical purposes, but their collections have all disappeared. McRee later performed a grateful service in publishing the correspondence of Iredell, and, if we may judge from the elegant diction and refined sentiments of that correspondence, even in the darkest hours there were circles here and there throughout the State, of a high order of social culture and literary merit.

Nor were there lacking the beneficial influences attending the order of the Masonic fraternity, which, established early in colonial life, was revived after the war. On the death in 1776, of Grand Master Joseph Montfort, who held under authority of a British commission, the Grand Lodge ceased

for twenty years ; but in 1787, representatives from ten lodges met at Tarborough, and, setting up an independent authority, elected Samuel Johnston Grand Master. Caswell, Davie and many of the other leading men of the day were members. Since then the Order has always been a factor in the life of the people.

The general tone of society was more democratic and less aristocratic than either in Virginia or in South Carolina. But the form of government, a representative republic, was somewhat calculated to foster a class distinction. The absence of great fortunes tended to suppress social pretensions based on wealth and not founded on personal worth, public service and popular applause ; and there was a jealousy of other distinction. An indication of the prevailing sentiment may be gathered from the speedy dissolution of the patriotic order of the Cincinnati. This order was organized in the State by the Continental officers at Hillsborough in October, 1783, General Jethro Sumner being chosen President. In the Assembly, a year later, a petition was presented against the Order by General John Butler, who introduced a bill to render any member of it ineligible to a seat in the Assembly. His measure did not pass, but the opposition to the society was so strong as to control the action of the former Continental officers, to whom it was imputed that they designed to establish themselves as a peerage. On the death of General Sumner, he was succeeded by Colonel John B. Ashe ; but after a few years the society informally dissolved. Notwithstanding this democratic tendency, the Assemblymen virtually formed a class of rulers. They were generally men of substance in their counties, who drew around themselves such strong influences that they were almost continuously reelected to their seats. They elected all the great officers, and determined the policy of the State. Doubtless they were

not inattentive to public opinion, which, however, they exercised a great power in forming; and although advocates of a democracy, they were measurably the ruling class in the State. It is much to their credit that legislation was sound, liberal and judicious, and the Assembly always responded to suggestions tending to the general welfare. In addition, it may be said that the Assembly generally recognized merit, and there was a liberality of sentiment illustrated in the election to high office of men but recently settled in the State and unsupported by great family influence.

The need of a printing press was keenly felt, and in the summer of 1783 Robert Keith set up one at New Bern, and in August he issued the first number of the *North Carolina Gazette*. There had been no newspapers published in the State in several years and the advent of this was hailed with interest and satisfaction. The office was "near the church, where the subscriptions, essays and articles of intelligence are gratefully received." It was on a demy sheet, with clear type, and was offered for three Spanish milled dollars per annum. One of the printer lads was Francis Xavier Martin, a French boy, who had been stranded at New Bern. Connected with his printing office, Keith opened a book store and offered to the public Edwards on Original Sin, Baker on the Divine Attributes, a choice collections of Hymns; and, for the use of schools, Testaments, spelling books, primers and writing paper. Quills alone were used for writing. The opening of a print shop speedily led to publications. No longer was it necessary for the pamphleteers to circulate their manuscripts by sending them from town to town by trusty messengers to secure safe delivery and preservation.

In the fall, Judge Spencer, over the signature of Atticus, printed an article on the Constitution, probably discussing the Loyalist, and John Hay, as Tiberius Gracchus, put out

in a six penny pamphlet an essay which in manuscript he had read to a coterie of admiring friends, ridiculing the Assembly and so violently assailing Judge Sitgreaves that Keith had to divulge the author's name, resulting in a personal altercation. Then Hay and the Bench drifted apart. There quickly followed a war in which Cusatti, Sully, The Citizen, and The True Citizen bore their parts; also Germanicus. The Citizen was imputed to Judge Williams and Richard Henderson, the polishing touches being given by Governor Martin.

But one printing office did not suffice, and in March, 1784, another weekly was begun at Halifax; and perhaps one, also, at Hillsboro;—and so disputants had several instruments of warfare. No one would have entered with greater zest and more caustic pen into these literary controversies than the brilliant Irishman, Dr. Burke; but his race was run. In December, 1784 that choice spirit passed away. His friend Hooper thus announced his melancholy fate: "Dr. Burke died about a fortnight since and fell, in some measure, a sacrifice to the obstinacy which marked his character through life. Laboring under a complication of disorders, oppressed with the most agonizing pains, which for months had deprived him of his natural rest; and to sum up his misery, no domestic prop to lean upon—no friend or companion at his home to soothe the anguish of his mind or mitigate the pain of his body—was not death to him a comforter, a friend and physician?"

At the peace, there were about a hundred thousand slaves in North Carolina and five thousand free negroes. The location of the colored element of population was an incident of settlement. The western counties were settled chiefly by immigrants coming overland from Pennsylvania. These were accompanied by no negroes; and so, few Africans, relatively, were to be found at the west. Near the northern

line as far as Surry, the settlement was largely from Virginia and the planters brought their negroes with them. Along the coast, including Brunswick and New Hanover, negroes were comparatively numerous; but farther in the interior, where immigrants direct from Europe located, there were not so many. The free negroes were found chiefly in the older counties, where indeed there were more blacks than elsewhere. In 1790 Halifax returned 6,506 slaves and 446 free negroes. Northampton and Bertie together, 9,650 slaves and 751 free negroes. In New Hanover and four adjacent counties there were 10,116 slaves and 215 free negroes. In Iredell, 846 slaves and 3 free negroes. In colonial times free negroes paid taxes like the whites, but could not vote. They lived apart and were not allowed free intercourse with the slaves.

Slaves descended as other property. The master's right to rule was complete; but while he could punish, he could not take the life of a slave. Slaves could have no right to any property—but no one could interfere with them except the owner. They were amenable to the law for offenses, but the masters often protected them from punishment when charged with minor offenses; when one was executed, the owner was allowed his value, but in 1786 this practice was discontinued. They lived on their master's premises; and he was required to provide for their necessities; to care for them in sickness and in age.

Slaves generally were not allowed to use firearms, but the county court, on application of the owner, licensed one slave on each plantation to carry a gun for the purpose of protecting the property from depredations. The conduct of the farm, the administration and system of work and of living, was under the regulation of the master. Some slaves were taught to be carpenters, wheelwrights, blacksmiths, coopers

and shoemakers, and the women to spin and weave. Often the farm raised its own wool and cotton, tanned its own leather, had its smithy and shop for wood work, and made its own shoes and clothing. In all this work, as well as in all farm work, some negroes were trained and skilled. Generally the farm or plantation was managed by the master, and in his absence one of the slaves, as "foreman," supervised the work with orderly precision.

There were but few great estates in North Carolina. In 1790, the largest slaveowner, Cullen Pollok, listed 204; the next largest was Willie Jones, with 120; then Mr. Collins, 113; Peter Mallet, 103; and Governor Samuel Johnson owned 96. Hardly two hundred persons had as many as 50. Largely more than half the people owned none at all, while hundreds possessed only one or two. On the larger plantations the negro families had their separate houses, with small gardens attached, some distance from the mansion; and had such pleasures and recreations as their masters chose to allow. When the number of slaves was small, they lived near the mansion, and were brought into very close association with the white family; and, in effect, all constituted a family. The men were "men of all work," and the women and children were employed about the domicile. This association had an educational advantage and tended distinctly to the elevation of the negro. Whatever there was of beneficence in the institution of African slavery thus had, perhaps, its best development in North Carolina, where the country negroes seem to have attained a somewhat more advanced condition than elsewhere.

Generally, slaves had such opportunities for religious instruction as the condition of the country afforded. Writing in 1788, Rev. Mr. Pattilo remarked that they composed a part of most congregations, and in those under his charge

there were 150 negro communicants. Very ignorant, they were at first taken on trial before admitted to baptism or the communion. "In the meantime the black members are very diligent with them, instructing them, and narrowly inspecting their conduct." Most masters indulged their slaves in liberty of conscience, whether religious or otherwise, while "pious masters have great disquiet and vexation from the untractable and incorrigible temper of their slaves." "Of the religious negroes in my congregation some are entrusted with a kind of eldership, so far as to keep a watchful eye over the black members." "The great matter of scandal among the negroes arises from their marriages or matches. Masters are so often selling their slaves, or removing to a distance, that as the creatures generally belong to different masters, they are often parted, or their places of residence become so distant that they can seldom see each other. Many masters, however, will rather exchange or sell, than part husband and wife." "A few can read a plain book, and many more would learn on Lord's Day and sleeping time if they had spelling books, catechisms, Testaments and Watts' hymns, as they are peculiarly fond of singing." At that period there was no legal inhibition against teaching slaves to read and write.

Property right in the person of the African slave was the law of the New World at the time North Carolina was settled. It was a part of the institutions of every community. Incident to it was the slave trade, a commerce that came to be reprobated in America earlier than elsewhere. In every colony, from the earliest times, there were some individuals who were opposed both to slavery and the slave trade. In August, 1774, the Freeholders of Rowan County resolved that: "The African slave trade is injurious to this colony, obstructs the population of it by freemen, pre-

vents manufacturers and other useful immigrants from Europe from settling among us, and occasions an annual increase in the balance of trade against the colony." This declaration was followed a few days later by a resolution of the first Provincial Convention, that "We will not import or purchase any slave brought into this province from any part of the world after the first day of November next." This resolve was observed by the people and enforced by the Committee of Safety. The next year Jefferson's declaration "that all men are created free——" received universal assent, but that evidently had reference to the right to modify governments, and had no bearing on the status of the African slaves in the colonies. Yet the thought was expressed and disseminated. Owners had the right of manumission, and apparently manumissions were multiplied, while the inconveniences of slavery became more pronounced when the struggle for independence began and the British sought to incite both the Indians and negroes to become their allies. At the very first session of the Assembly under the new constitution, "because of the evil and pernicious practice of freeing slaves, at this alarming and critical time, the personal right to manumit was taken away, a license from the County Court being made requisite, and the court was forbidden to grant the license except for 'meritorious services.' "

Notwithstanding the racial difference, the negroes were a part of the population, and could render service—both bond and free. During the war the latter were enrolled in the militia, and performed military service as other freemen. Slaves, like Indians, Hessian deserters and some others, were not to be accepted as substitutes for drafted men; but, with their master's consent, they could enlist; and some did enlist and rendered faithful service as soldiers in the Continental ranks as well as in the State troops. One slave, Ned Griffin.

of Edgecombe, having under a promise of freedom served faithfully for twelve months as a Continental, a special act of the Assembly was passed to enfranchise him and "discharge him from the yoke of slavery," and he was declared "a freeman in every respect." As with him, so was it with others; after the Revolution free negroes became freemen in every respect. And thus it came about that they obtained the privilege of suffrage, which they enjoyed until the Constitution was amended in 1835. But their legal status, as well as that of the slave, was anomalous, and the Congress of the United States at its second session excluded them from being enrolled in the militia. Negroes could not give evidence against a white man, and in some respects they were not regarded as citizens. But free negroes had property rights, and generally speaking had all the benefits of the law. Many became men of substance, and they sometimes owned slaves. James Lowry, apparently the progenitor of the outlaw Henry Berry Lowry, was in 1790 the owner of several slaves. Many other free negroes likewise were slave owners. One who had served in the Revolution, John Chavis, not only was a slaveholder but was a school teacher, having among his pupils some boys who afterwards became men of renown. He was also a Presbyterian minister.

After commerce was reopened, slaves were again imported, but in 1786 their importation was declared productive of evil consequences and highly impolitic, and in order to arrest it a tax of ten pounds was laid on the importation of the most able-bodied, with a smaller duty on others. Some of the Northern States had already taken measures to abolish slavery, and their slaves were being sold to Southern planters. North Carolina did not propose to allow this transfer to her territory of negroes who in their own States had the hope of freedom, and by act of assembly it was forbidden to bring

into North Carolina any slave from any State that had taken such a step, and should any be imported contrary to that act, they were to be immediately returned to the place from which they were brought. While the institution of negro slavery was thus perpetuated after the Revolution, yet the importation of slaves was regarded as injurious and North Carolina was not favorable to a continuance of the slave trade. The influence of the Quaker element of the population was distinctly against the institution of slavery, and perhaps the prevalence of such sentiments was a natural result of the war itself.

Indeed the Revolution not only called forth many virtues but developed much latent ability. When the war began, says Ramsay, the Americans were a mass of husbandmen, merchants, mechanics and fishermen; but the necessities of the country gave a spring to the active powers of the inhabitants, and set them thinking, speaking, and acting, in a line far beyond that to which they had been accustomed. It seemed as if the war not only required, but created talents. Men, whose minds were warmed with the love of liberty, and whose abilities were improved by daily exercise, and sharpened with a laudable ambition to serve their distressed country, spoke, wrote and acted with an energy far surpassing all expectation which could be reasonably founded on their previous acquirements.

The long years of the struggle had been a period of great intellectual activity, and the creation and administration of government had thoroughly awakened the people and vitalized their energies. Great writers were produced, great thoughts had penetrated the minds of the masses, and heart and soul, body and mind, alike, had been on the rack, and tens of thousands of men, bred in solitude, had moved over the face of the country, every faculty quickened

and stimulated and every passion brought often into play. Thus, as in all long and arduous contests, the people emerged from the war, uplifted by the struggle, developed in all their faculties, broader in thought, stronger in action, more resourceful, and with higher powers and nobler aims than before they had suffered the fearful experience; and, besides, they were inspired with a great hope, a great confidence in the future of their country.

## ROWAN COUNTY WILLS

COLLECTED BY MRS. M. G. McCUBBINS.

Henry Barkley (Book F, page 18), June 13, 1798. Sons: Robert, James, John, Thomas. Daughters: Mary. Granddaughter: Polly Barkley (the daughter of Thomas). Grandsons: Henry Barkley (son of Robert), James Cowan (son of Thomas Cowan), and Henry Barkley (son of John). Executors: Sons, James and John. Witnesses: William Kilpatrick and Robert Kilpatrick.

## ROWAN COUNTY MARRIAGE BONDS.

Adam Mitchell to Elizabeth McMachen. Sept. 12, 1769. Test: Robert Mitchell. (Jno. Frohock).

Benjamin Miller to Mary Hays. Dec. 16, 1769. Test: Joseph Hays. (John Frohock).

Joseph McCammon to Dorcas Holmes. May 9, 1791. Test: George (his X mark) homes.

Barton (his X mark) Miller to ——— Rindleman. Aug. 13, 1766. Test: Chris (his X mark) Rindleman. (Clerk: Thomas Frohock).

Michael McMahan to Patsey Rogers. Jan. 3, 1795. Test: James McMahan.

John Moore to Mary Kinley. Nov. 10, 1795. Test: Francis Gardner. (J. Troy).

Angus McIntosh to Jean McCoy. Oct. 22, 1781. Test: Alexander (his X mark) McCoy. (J. H. McCaule).

Thomas (his X mark) Mace to Mary Bird. Aug. 2, 1796. Test: James Garner. (Ad. Osborn).

John Misenhammer to Catereena Bushard. June 24, 1783. Test: Nicholas Bringle.

Wm. Maffit to Jaynet Tait. Aug. 24, 1788. Test: John Teais.

John Morrison to Francis Wilson. Jan. 12, 1784. Test: Alexander Wilson.

Jesse Aytcheson to Charity Dever. Oct. 27, 1818. Test: Eli Watkins. (R. Powell).

David Miller to Elizabeth Pitts. Nov. 26, 1789. Test: Christian Shroat.

Thomas Mullican to Casig Myers. Dec. 12, 1812. Test: Zadook Jarvis. (Jno. Mark, Sr.).

William Micarn to Mary Garn. Nov. 12, 1812. Test: Abraham Pippinger. (Signed 2 papers). (Geo. Dunn).

Charles McKinzey to Polly Savage. Nov. 9, 1802. Test: Francis Marshall. (A. L. Osborne).

Abner Merrell to Ritter Jones. Oct. 22, 1802. Test: Thomas Gadbury. (Osborne).

Theophilus Morgan, Jr., to Ruth Owens. Aug. 6, 1784. Test: Theophilus Morgan, Sr. (Hugh ——).

Henry McHenry to Martha Morrison. June 21, 1794. Test: David Morrison. (J. Troy).

Robert McFarson to Nelly McNeely. April 7, 1800. Test: Isaac McNeely. (Jno. Chaffins).

Andrew Morrison to Hetty Dickey. Nov. 7, 1809. Test: Robert Morrison. (Geo. Dunn).

Boyd (his X mark) McCreary to Annah Cooper. March 28, 1792. Test: Samuel (his X mark) Lusk.

Neal McGill to Barbara Walk. Feb. 4, 1813. Test: Applin (his X mark) Uslam. (Geo. Dunn).

Isaac Moye to Nancy Bryant. June 9, 1798. Test: James Messer. (M. Troy).

Hugh McCreary to Mary Sluder. Aug. 6, 1787. Test: Reuben Pew. (Jno. Macay).

Hector McIntosh to Mary McCoy. April 10, 1782. Test: William McLeod. (—— Cauley).

John Maffit to Sarah Whitiker. April 13, 1790. Test: John (his X mark) Whitiker. (Basil Gaither).

Thomas (his X mark) Welch to Jane Thomson. Oct. 28, 1772. Test: Jno. (his X mark) Thomson. (Ad. Osborn).

Abednego (his X mark) McAtee to Nancy Moore. Nov. 12, 1796. Test: Rich'd Leach. (——— Rogers).

Benjamin Merrill to Elizabeth Garrett. March 3, 1795. Test: John Wiseman. (I. Troy).

Edward Macan to Mille Cotton. Oct. 10, 1791. Test: Michael (his X mark) Heisler. (Chs. Caldwell).

Mathias Mastin to Sarah Standley. Nov. 6, 1794. Test: Reuben Standley. (Freidrick Miller).

Jacob Misenhammer to Elizabeth Gress. May 3, 1779. Test: John Misenhimer. (Ad. Osborn).

George McCulloch to Elizabeth. Sept. 26, 1799. Test: John Hamton and E. Jay. Osborne.

Fergus McLaughlin to Elizabeth Caruthers. Oct. 22, 1827. Test: Fergus Graham.

# INFORMATION

## Concerning *the* Patriotic Society

### "Daughters of *the* Revolution"

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

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### "*The* North Carolina Society"

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

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### Membership and Qualifications

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

The chief work of the North Carolina Society for the past 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. 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. Bahnsen.

## Vol. III

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

"Colony of Transylvania," Judge Walter Clark.

"Social Conditions in Colonial North Carolina," Col. Alexander Q. Holladay, LL.D.

"Battle of Moore's Creek Bridge, 1776," Prof. M. C. S. Noble.

"North Carolina and Georgia Boundary," Mr. Daniel Goodloe.

## Vol. IV

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

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

"Convention of 1788," Judge Henry Groves Connor.

"North Carolina Signers of Declaration of Independence, John Penn and Joseph Hewes," by T. M. Pittman and Dr. E. Walter Sikes.

"Expedition to Cartagena, 1740," Judge Walter Clark.

"Rutherford's Expedition Against the Indians," Capt. S. A. Ashe.

"Changes in Carolina Coast Since 1585," Prof. Collier Cobb.

"Highland Scotch Settlement in N. C.," Judge James C. MacRae.

"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.

**Vol. V.—(Quarterly.)**

**No. 2.**

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

"Some Notes on Colonial North Carolina, 1700-1750," Colonel J. Bryan Grimes.

"North Carolina's Poets," Rev. Hight C. Moore.

**No. 3.**

"Cornelius Harnett," Mr. R. D. W. Connor.

"Celebration of the Anniversary of May 20, 1775," Major W. A. Graham.

"Edward Moseley," by Dr. D. H. Hill.

**No. 4.**

"Governor Thomas Pollok," Mrs. John W. Hinsdale.

"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.)**

**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, by Mrs. E. E. Moffitt.

**January, No. 3.**

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