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*His Excellency Gabriel Johnston Esq<sup>r</sup>  
Governour and Commander in Chief in  
and over His Majestys Province of North  
Carolina*

*J. J. Schaffner Sculp<sup>t</sup>*

THE BOOKPLATE OF GOVERNOR GABRIEL JOHNSTON.

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JULY, 1914

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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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# THE NORTH CAROLINA BOOKLET

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## HERALDRY AND ITS USAGE IN THE COLONY OF NORTH CAROLINA

BY MARY HILLIARD HINTON

(Heraldic Artist, North Carolina Society Daughters of the Revolution; Historian-General, Daughters of the Revolution, 1912-1914; Chairman Committee on Historic Research, National Society Colonial Dames of America, 1912-1914, etc.)

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In this age of materialism, in a land thoroughly democratic, it is a marvel that there should be a revival, so to speak, of an important science of the mediæval era, indissolubly linked with the days of Chivalry. Its popularity has increased to such an extent that persons attaining sudden eminence have been known to order Arms to be designed at great cost. Some later repose beneath tombs adorned with the assumed badge of distinction. Others, without authority, appropriate those that belong lawfully to persons of the same surname, between whom there is no known connection. Cases can be cited where people have displayed on their stationery certain crests because they were more pleasing to behold than their own.

In preparing this paper it has been considered advisable to first speak of the origin and history of Heraldry and its uses and abuses before touching upon its relation to the Colony of North Carolina.

### THE ORIGIN AND HISTORY OF HERALDRY.

Heraldry is a science. These notes relate only to the English acceptance of the fascinating study. The French and Germans have different rules. They are more confusing and far less rigid. The handsomest works bearing on this sci-

ence are prepared by the French—they are very costly and the styles are so ornate with all their gorgeous embellishment that one is reminded of the overcrowded interior of the Italian palaces—too loaded down to be in good taste.

Most erroneous ideas prevail regarding this branch of Art. The thought that one who uses armorial bearings, to which he is rightfully entitled, is a snob is simply ridiculous. A Coat of Arms is as much one's personal property as his name. It comes in the same way—by inheritance. To discard the one would be as sensible as to reject the other. In mediæval times Coat Armor was the sole means of distinguishing a knight. Consider the warrior armed *cap-à-pie*, mounted on a charger similarly encased in armor; unless one beheld the crest and Arms there was no means of recognition.

The origin of this very fascinating science is veiled in obscurity. Some armorists allow fancy to play no small part in their solutions and eagerness to claim a greater antiquity for "this once cultivated study." One has asserted that Adam bore a red shield with a silver escutcheon thereon, showing that Eve was an heiress. Others say that laws regarding it came from heaven. Mr. Charles L. Camp, the noted Connecticut armorist, claims a most ancient origin for this science. Many of us are familiar with his beautiful work shown in the Connecticut Building at Jamestown Exposition and the decorations on some of the covers of the *Journal of American History*.

Not granting that Heraldry's origin was divine, it must be admitted that Moses ordered each of the twelve tribes and their families to bear their own separate standard and ensign, in order that they might be distinguished in their wandering through the wilderness. In the Book of Daniel we find reference to symbols—when it is written that "the king sealed it with his own signet and the signet of his Lords," while it is recorded in the Book of Kings that Jezebel

“wrote letters in Ahab’s name and sealed them with his seal.” Other allusions can be found therein, but it is to the signs of ancients they bear analogy, not the Heraldry of the present. A similar instance can be found in a Greek tragedy of twenty-five centuries ago, where a soldier bore a shield containing a torch with the words, “I will fire the city,” which evidently related only to that occasion—nothing is said to prevent the thought that he used other devices at other times and did not hand it down to posterity. On the contrary Heraldry, as we know full well, is permanent and hereditary.

We will consider a few later authorities on this subject. Sir John Ferne claims that we took Arms from the renowned hieroglyphics of Egypt. Sir William Dugdale states that Arms were first used by great commanders in war to distinguish different personages and their followings. Alexander Nisbet in writings on Heraldry declares that the genesis of Arms extends to the primitive ages deriving its origin from Nature—that all people in all ages employed signs and marks to distinguish the noble—the ignoble being conspicuous by absence. The heroes of Homer, Ovid and Virgil bore various signs on their shields as badges for recognition. Alexander the Great bestowed badges on his officers and soldiers for deeds of bravery and to arouse ambition in his army. These were to be borne on banners, pennons and armor, at the same time order was issued in his dominions that he alone should take or bestow such emblems. The precedent then established has held good throughout the succeeding ages with sovereign princes in their possessions. Some armorists trace the beginning of Heraldry to the Romans, some of their customs resembling the later use of Arms. Their civil and military laws will ever attract attention and those familiar with their history clearly see their ardent patriotism and excite their emulation, the desire to win laurels and afterwards present them to the public gaze.

Much comment has been given the descriptions of the emblems borne by the various Roman families which show the propensity of the human race for "decorative embellishment"—the Romans indulging in the inclination as means of perpetuating any glorious action or attainment. As has been said the genesis of Heraldry has been shrouded in mystery, but of one thing we are positive. All nations in all ages have used figures of creatures, vegetables, and symbols to express the bravery and prowess of their leaders or nations, just as names are employed. We learn from the discourses on science by C. Agrippa that various countries adopted emblems of distinction, for instance, an ox was the badge of the Egyptians, the Romans bore the renowned eagle and the letters S. P. Q. R.; the Goths a bear; the Athenians an owl; the Franks a lion; the Saxons a horse. This custom of bearing a national emblem has been retained to our own times.

Symbols, emblems and devices were used from earliest times. Hieroglyphics expressed thoughts. The first ships had signs on the foredeck, for instance, the vessel in which St. Paul sailed bore the badge of Castor and Pollux. The tribes of Israel used emblems that adorned the entrance to the tents. The contentions that the Romans used the eagle on their ensigns and the Egyptians the ox, was a branch of Heraldry was without foundation. There is no connection between this and the present science.

The last of the eleventh century seems to have been the date upon which reliable heraldic authorities, such as William Cambden, Sir Henry Spelman and others have settled as the time when families assumed hereditary Arms. They were so called from the fact that military men wore these symbols of honor in martial engagements and at tournaments, or jousts. On the helmets and shields, as well as other warlike implements appeared the armorial bearings of the

owner. The term "Coat of Arms" was derived from the custom of embroidering the same on a coat worn above the coat of mail, as Herald's have done to the present day. The Germans and French were the first to regard Heraldry as a science. It was introduced into England about the twelfth century and into Scotland at an earlier date. When the vast armies of Christendom assembled on the plains of Palestine it was essential to have some means of recognition for the knights encased in armor, so at that early period it can be stated the use of Coat Armor was established.

The tournaments of the Middle Ages greatly encouraged Heraldry. These engagements were contests of strength and skill and contestants were knights of patrician birth, no one could become a candidate unless he could prove four lines of gentle birth, including paternal and maternal sides of his house. It was called a tournament when many engaged, a joust when there were but two contestants. Both man and horse were encased in armor. The lance was used till broken or lost, then the sword, mace, or battle-ax was taken up. If a man was unhorsed, the play was resumed on foot—fair play was the distinctive feature of these pastimes.

The candidates for the contest visited the lists some days before, perfectly armed, displaying the armorial bearings on the shield. The esquires of each respective knight preceded him on horseback, bearing the helmet and lance, to which was attached a small flag with the armorial bearings thereon. The sound of trumpet heralded the approach. The presiding judges accepted or rejected the candidates. The mode of challenge was thus: The admitted knight touched the shield of his opponent with the reverse of his lance, or the sharp point. The first required the arms of courtesy; the spear had a ball attached to its point and blunt weapons were used; the latter demanded the same arms as those required in actual warfare. Often fatal wounds ended the

jousts. Some noble lady presented the prize, a chaplet, or a similar ornament, to the victorious knight. As has been shown, the Arms were the sole means of identifying the competitors.

The church approved of Heraldry. Banners were brought by the Crusaders for the treasured blessing of the priests. These, carrying additional honorable charges won in Palestine, were hung in the churches, and the more permanent means of preserving the same distinctions were preserved in the glass of the windows, the frescoes of the walls, the tombs, the tiles of the floor or the carved stone itself.

Heraldry attained the zenith of its popularity in the fourteenth century and flourished till the passing of armor when the armorial bearings were no longer essential to recognition. The use of Arms has still been retained by the leading nations of the world showing alliance and noble birth. "The Iron Cross" of the present cannot be more prized than the heraldic trophy bestowed upon the mediæval warrior for valiant service on the field of battle.

The devices used in the Middle Ages were so simple any one—ignorant or learned—could decipher the meaning. The mansions, almost without exception, were ornamented with the family Arms—these are still seen in foreign lands. The window was a favorite point for decoration. The followers each bore the master's badge on his sleeve. The inns hung out the crests and badges, along with its name, of the nobility, such as: "Bear and Ragged Staff," the "Eagle and Child," the "Rose and Portcullis," the "Chequers." Inns near abbeys assumed ecclesiastical devices, such as the Cross Keys of St. Peter.

In "Locksley Hall Sixty Years After," we find this allusion:

"Here is Locksley Hall, my grandson, here the lion-guarded gate  
There is one old Hostel left us where they swing the Locksley shield  
Till the peasant cow shall butt the lion passant from the field."

Reference is here made to the Dymoke crest, a "lion passant," which is above the quaint gateway of Scrivelsby Court, while there is a "leaden cow" in these ancient grounds.

The arms assumed were frequently indicative of the profession of the armiger (bearer of arms) for example, the three little round balls one sees on many places in Florence were the devices of the haughty Dukes of Medici, so chosen because they were originally apothecaries.

#### THE USES AND ABUSES OF HERALDRY.

Having given a brief outline of the origin and history, we shall proceed to explain its significance as applied in modern times.

The ignorant invariably ask, "Now do tell me the meaning of this ship, or that snake, or ragged lion's head?" To understand the true meaning an armorist *must* be acquainted with the history of a house.

The modern uses are given below. Heraldry is employed in various ways. The chief one being engraving the armorial bearings on silver, on seal rings and bookplates. They can be cast in bronze, carved on wood, painted in oils or water colors, sketched with pen and ink, or India ink, framed and hung in the hall, library or dining-room. They can be embroidered on the household, or personal linen, painted on china and carriages, chased on cut glass, engraved on rings, and last, but by no means least, adorn the stationery, visiting cards, and wedding invitations. The late Empress of Austria simply had her name "Elizabeth" engraved on her card beneath the imperial crown. In Colonial days they were carved on tombs, which has greatly aided the genealogist to-day. In the reigns of Henry VII and Henry VIII it was customary in England to paint the Coat of Arms in the upper right-hand corner of portraits. In some of the masterpieces of Holbein is shown this fashion.

While only armigers can display these devices on their personal possessions, any one is allowed the right to hang paintings, etc., of these ancient reminders of the age of Chivalry, worn by any ancestor, whether of the same name or not, in their habitations. In Virginia the custom is universally adopted, so it is in New England, but in North Carolina, one rarely finds in sight these mementoes of by-gone days.

A slight knowledge of Heraldry is requisite to a thorough understanding of the works of Scott, Shakespeare and Tennyson. An armorist must know something of French and a little Latin and interpret Old French which is frequently puzzling.

Abbotsford affords an illustration of the ideal baronial hall. There in "the Great Hall," in the exquisite carving of the woodwork, the delicately tinted stained glass of the windows, in a border running around, are the Coats of Arms of the ancestors of Sir Walter Scott, who were entitled to use them. On the three beams overhead are carved shields, each bearing charges in the appropriate tinctures and metals. The last three of the middle beam are plain. These the faithful guide points out and announces that Scott said they would have belonged to his ancestors, but had never been found.

Heraldry has been of great assistance in archæological pursuits; it can be called the "Handmaid of History," and in genealogical research proves indispensable. The work recently issued in the Bowles family was easily compiled through the aid of tombs, brass tablets and armorial bearings as found in old English churches.

To-day we see the Arms of extinct noble families adopted by those of a similar name without authority. Herbert Spencer, in one of his essays published in the "Westminster Review" in 1854, says: "Coats of arms which served to distinguish men in battle, now figure on the carriage panels of retired tradesmen. Once a badge of high military rank, the shoulder-knot has become on the modern footman, a mark

of servitude. The name Banneret, which once marked a partially-created Baron—a Baron who had passed his military 'little go'—is now, under the modification of Baronet, applicable to any one favored by wealth, or interest, or party feeling. Knighthood has so far ceased to be an honor that men honor themselves by declining it."

Mr. S. Gough Nichols says: "In the early days of Heraldry, if a man adopted the arms belonging to another family he was proceeded against by the rightful owner as a man would be now were he to steal the property of another," and he quotes the case of Sir Richard Scrope and Sir Robert Grosvenor in August, 1385.

There has been in the past few years a marked revival of this ancient custom of using Coats of Arms in this country. It does not partake of a monarchical tendency, for a land whose flag was designed from the Arms of her greatest hero, and where orders are organized with a view to perpetuating her history and instilling the duty of patriotism, which encourage a regard for Heraldry, cannot claim citizens who are not loyal to dearly-bought liberty, principles and standards. The fact that Tiffany employs regularly four armorists in his Fifth Avenue establishment, shows the demand for such delicate workmanship.

Mrs. Roger A. Pryor in her work, "The Mother of Washington and Her Times," writes of Heraldry in the Old Dominion: "Virginia families used the Arms to which they had a right with no thought of ostentation—simply as something belonging to them as a matter of course. They sealed their deeds and contracts with their family crest and motto, displayed their Arms on the panels of their coaches, carved on their gate-posts and on the tombstones of their people; for such had been the custom in the old country which they fondly called 'home.'"

There is but one dishonorable charge in Heraldry. This

must be borne for all time. The noble, not the ignoble, deeds are recorded.

Do you remember the scene in "The Monastery," where soldiers are descending upon the village of Kennequahair, the present town of Melrose, when the Abbot of St. Mary's ascended to the battlements of the lofty monastery, followed by Edward Glendenning, for a sight of the approaching army?

"Look at the banner," said the Abbott; "tell me what are the blazonries?"

"The arms of Scotland," said Edward, "the lion and its treasure, quartered, as I think with three cushions—can it be the royal standard?"

"Alas! no," said the Abbott, "it is that of the Earl of Murray. He hath assumed with his new conquest the badge of the valiant Randolph, and hath dropped from his hereditary coat the bend which indicates his own base birth."

No one could read "Kenilworth" without remembering the queer old character—Master Michael Mumblazon, who was a stationary guest of Sir Hugh Robsart at his ancient seat of "Lidcote Hall." Scott thus describes him: "He was an old bachelor of good family but small fortune, and distantly related to the House of Robsart; in virtue of which connection Lidcote Hall had been honored with his presence for the last twenty years. His company was agreeable to Sir Hugh, chiefly on account of his profound learning, which though it only related to heraldry and genealogy with such scraps of history as connected themselves with these subjects, was precisely of a kind to captivate the good old knight; besides he found in having a friend to appeal to when his memory as frequently happened proved infirm, and played him false concerning names and dates, which and all similar differences Master Michael Mumblazon supplied with due brevity and discretion. And indeed in matters concerning

the modern world he often gave his enigmatical and heraldic phrase, advice which was well worth attending to, or in Will Badger's language, started the game while others beat the bush."

When young Tressilian started on his second search for the choice of his heart, the unfortunate Amy, the herald addressed him thus: "You are going to court, Master Tressilian, you will please remember that your blazonry must be *argent* and *or*—no other tinctures will pass current."

"Mumblazon produced a bag of money containing three hundred pounds in gold and silver of various coins, the savings of twenty years, which he now without speaking a syllable upon the subject dedicated to the service of the patron whose shelter and protection had given him the means of making this little hoard."

Some families have their surnames handed down on their shields—for instance, the Rye, Sparrow, Swann, Bullock, Roosevelt families, as well as hosts of others, have Arms of this kind. Occasionally the charges of the Arms are a pun on the bearer's name, as in the case of Miles Standish, whose shield was adorned with three standing dishes. Instead of armorial bearings being taken from the surnames in some cases the surnames trace derivation from the charges of the shield, for example, Sir Simon Lockhard of Lee, accompanied the Black Douglas with the heart of the Bruce on that fatal journey to Palestine. After the death of that great soldier in Spain he was appointed to take charge of the sacred trust on the return homeward. On account of that mission Sir Simon's name was changed from Lockhard to Lockheart and a man's heart with a padlock was painted on his shield. In memory of that ill-fated expedition the Douglasses added to their escutcheon a heart with a crown upon it.

The colors have great significance and are connected with

the family history, therefore unless familiar with the annals of a house the armorist cannot decipher the full meaning. The Draytons of "Drayton Hall," South Carolina, bear this Coat of Arms, "Argent, a cross engrailed gules," while the Warners of "Warner Hall," Virginia, bear the same Arms with different tincture and metal—"Vert, a cross engrailed or." There is a vast difference of course in the meaning, but one who is not conversant with the past glory of each line could only interpret that each original Grantee made a crusade as the cross ever indicates. No one could surmise the significance of the Pollok crest, borne by Thomas Pollok, Colonial Governor of North Carolina, unless familiar with the incident in the life of his remote ancestor, Pollok of Balgray. When one of the retinue of James IV of Scotland, during one of those hunts in the Highlands, that that monarch keenly enjoyed, the said Pollok of county Renfrew beheld a furious wild boar bearing down upon the king, and, realizing his danger, shot an arrow that killed the animal instantly. For this delivery the king bestowed upon his protector, a crest consisting of a wild boar pierced with an arrow and the motto, "audacter et strenue." Had this narrow escape occurred in France a *fleur-de-lis* would have been granted as a charge on the shield. When a deBernière saved the life of Louis XI of France recognition of the service was the addition of a *fleur-de-lis* in the center of his shield, which charge has been retained ever since by the deBernières. A progenitor of the Lenoirs of "Fort Defiance," in the Happy Valley, North Carolina, won the silver *fleur-de-lis* on a canton gules, in the upper left-hand corner of their Arms by serving France or the French king.

The manner in which American women of prominence display the crest and motto on their personal belongings is ludicrous. Some English women are not more careful. Crests and mottoes, because they partake exclusively of a military

character *can only be used by men and never by women*. A woman cannot transmit Arms unless she is an heiress, or co-heiress, a term which merely implies she was the representative of her father and does not indicate that she is the owner of property. She may have had brothers who died without issue and still be the heiress of her father at his death. The husband of an heiress or co-heiress places her Arms over his own in an escutcheon of pretense and their children inherit the privilege of quartering their father's with their mother's Arms. A notable example in history of quartering is the Coat of Arms of the Dymokes, Hereditary Champions of the kings of England, which displays fifteen quarterings, indicating fourteen marriages with heiresses. These alliances rendered that house one of the wealthiest in Great Britain at one time. A maid bears her father's Arms on a lozenge, after marriage. If not an heiress, she uses her husband's Arms on the bachelor's shield, and when a widow bears the same on a lozenge.

In 1483 the College of Heralds was established in England to verify and register Grants of Arms. Many abuses were found which eventually demanded the Herald's Visitations early in the following century. These were for the purpose of revising and recording genealogies of families who could claim Arms. All persons who can trace descent from those progenitors whose Coat Armor was accepted at a Herald's Visitation, inherit Arms.

With this guarantee it matters not whether the War of the Revolution or the War between the States has swept over our country, destroying innumerable proofs of such an inheritance, the dearly bought heirloom belongs as much to the American as to the English branch representing the knight who in the long ago won a sovereign's favor with some valiant deed.

The ruling of William Dugdale, Garter King of Arms,

dated 18 June, 1668, is of such importance that it is herewith given :

“It is incumbent that a man do look over his own evidences for some seals of armes, for perhaps it appears in them, and if soe and they have used it from the beginning of Queen Elizabeth’s reigne, or about that time, I shall then allowe thereof, for our directions are limiting us soe to doe, and not a shorter prescription of usage.”

To-day Ulster King of Arms observes this heraldic law and accepts any Arms by Patent, borne continuously for three generations, or for a century. The attempt by a certain historical society to abolish the usage of Coat Armor in America on the grounds that the connecting link between the British and the American lines can seldom be authentically established is unwarrantable, with the high authority in favor thereof.

The Arms-bearing Americans are chiefly those who have descended from the Knickerbocker families of New York, the Cavaliers of the South, the Quakers of Pennsylvania, the Puritans of New England and the Huguenots. These have the same title to Arms as have their cousins over the sea. The fact that such eminent Americans, builders of the nation, as the Washingtons, Adamases, Livingstones, Van Rensselaers, Lees, Jays and others established the precedent of using armorial bearings, prove their descendants are heirs to the same heritage, therefore no objection can be raised on the grounds that it is an unsuitable proceeding for inhabitants of a republic of the New World.

As to the use of Heraldry in America Washington expressed himself thus on the subject and his opinion should overrule all prejudice in the matter :

“It is far from my design to intimate any opinion that Heraldry, Coat Armor, etc., might not be rendered conducive to public and private use with us, or that they can have any tendency unfriendly to the purest spirit of republicanism. On the contrary, a different conclusion is deducible from the practice of Congress and the

states, all of which have established some kind of Armorial devices to authenticate their official instruments."

There has probably never been an armorist in America who possessed such a thorough knowledge of the science of Heraldry as the late William H. Abbott. An Englishman by birth he became identified with his adopted State of New York and his death leaves an unfilled place. His workmanship was excellent and his "Heraldry Illustrated" is a volume that is indispensable to the student of this ancient branch of Art. The recently published work on Heraldry by Arthur Huntington Nason has been pronounced a remarkable production and has won high praise from authorities abroad.

At this present day genealogy is at the zenith of its popularity in America. Statistics reveal the fact that there is constantly a greater demand for books on this subject in the Library of Congress than for any other. As this study arouses and leads to a similar interest in Heraldry, it seems an unwise omission that our public libraries are poorly equipped in heraldic literature. Private libraries can be cited that are better provided with such works. That of Mr. Joseph J. Casey of New York is wonderful in this special line. He probably owns the most extensive and complete collection of volumes on Heraldry and genealogy in this country. It has been the dream realized of a lifetime, securing and preserving these choice tomes, many of which are in French. Through his wife the General Society Daughters of the Revolution has been enriched by these rare treasures, Mrs. Casey having for more than twenty years filled the responsible office of Registrar-General of that Society.

What is true of our great libraries, is more pronounced in the public libraries of North Carolina. There is not one of these that possesses a collection of this kind that can com-

pare with the heraldic library of Mrs. Charles Beall of Arden, Buncombe County, who is an armorist as well as artist of great talent, having had the advantage of studying for a long period under Bouguereau at Paris.

The popularity of Heraldry has awakened the enthusiasm and talent of several daughters of the Old North State, who today are accomplishing good results in armorial painting. The late Mrs. Annie Iredell Robertson, whose recent death is deeply lamented by a large circle of friends and acquaintances, and which is indeed a loss to the State, was an heraldic artist of considerable note. Each year at the State Fair there are exhibited samples of this line of Art.

#### SOME NOTES ON CAROLINA HERALDICA.

Some historians, of whom Fiske was one, assert that North Carolina was settled by indentured servants, the undesirable overflow of Virginia and other unenviable sources. That may be true in part, as it was in other Colonies, but the entire population was not of that class. Some who came hither from Virginia in quest of grants of land were the younger sons of prominent families, the elder sons falling heir to landed estates and the ancestral seat while many, coming directly from a foreign land, were of the best type. There exist proofs to-day showing these founders of the Colonies were armigers. On Colonial documents extant can be seen their armorial seals, and again on the tombs of some of the Colony's most distinguished statesmen are found engraven Arms almost obliterated by time and vandalism, like that of Governor Charles Eden, removed from its first resting place to St. Paul's Churchyard, Edenton, North Carolina. Scattered throughout the State are treasured silver heirlooms that bear either the crest and motto, or the entire Coat of Arms. Then there are those who came to this from other Colonies who have never displayed any desire to continue

the use of an heritage that without doubt the founder of the American branch of these families regarded as his very own. Bookplates also adorned the libraries of some of the most prominent leaders of this Province. William Hooper's bookplate appeared in the July, 1905, issue of *THE BOOKLET*. Col. Cadwallader Jones', also that of Major Cadwallader Jones, is exhibited in the Hall of History at Raleigh, also that of Governor Gabriel Johnston, which forms the frontispiece of this number of *THE BOOKLET*, a photograph of which is in the Johnson collection in the same building. There are many more in existence.

As the reader glances over Crozier's *General Armory* he finds only the five following families of the Old North State, viz.: Burgwin, Hunt, Morehead, Johnstone and McFarland, who are included in the list of nearly two thousand Americans entitled to bear Coat Armor. While Crozier did an excellent work in Heraldic research, this volume can by no means be regarded as exhaustive even though he does state it is the most comprehensive work of the kind published. But few volumes of this nature have been printed in America. With the many famous names linked with the genesis of this Colony it does seem strange that they should not have been deemed worthy of enrollment with those of the other notable Colonists. In another later work, "Virginia Heraldica," published in 1908, in a limited edition, there appear the names of two hundred and seventy-five families who settled in the Old Dominion entitled to Armorial bearings, and there are many more who can claim a similar distinction that have been omitted.

Although North Carolina may not have possessed as long a roll of armigers among her settlers, one who has made a study of the subject has discovered that a goodly number came from English antecedents who were granted Arms scores of years ago, perhaps centuries since.

The list given in these brief notes by no means comprises the names of all the families in the Old North State who have inherited the right to bear Coat Armor. The following, generations ago, in distant lands over the sea, for valiant deeds of service to king or country were rewarded with Coats of Arms, and their descendants of the same name, to-day can rightfully use their inheritance:

**ALSTON.**

(Saxham Hall, Suffolk, and Odell, County Beds., England.)

Azure, ten étoiles or, four, three, two, one.

*Crest*—A crescent argent, charged with an étoile or.

*Motto*—Immotus.

**BATTLE (Battayll, or Battaille.)**

Purp. a griffin segreant, with a bordure engrailed or.

*Crest*—Out of an antique crown or, a dexter arm ppr. holding a cross crosslet fitchée in pale gules.

**ASHE.****BLOUNT.**

Barry, nebuly of six, or and sable.

*Crest*—An armed foot in the sun.

*Motto*—Lux tua mea via.

**BRYAN.**

(A photograph of the original Grant of this Coat of Arms is in the possession of descendants in Florida, but the proper heraldic description so far is unknown.)

**BRYAN. (Ireland.)**

Argent, three piles gules.

*Crest*—A Saracen's head erased at the neck sable.

**BODDIE, or BODY. (Nash County.)**

(Essex, England.)

Argent on a fesse azure three pelicans, or, vulning their breasts gules; on a canton argent, two staves raguly, in saltire of the fourth, a ducal coronet, or.

*Crest*—On the middle of a staff raguly gules a ducal coronet, or.

**BULLOCK.**

(Arborfield County Berks., England; an ancient family in that shire several members of which served the office of sheriff in the 14th, 15th and 16th centuries.)

Gules, a chevron between three bulls' heads cabossed argent, armed or.

*Crest*—Five Lochaber axes, handles or, blades ppr. bound with an escarf gules, tassels or.

BURRINGTON.

BURGWIN. (John Burgwin, New Hanover County, 1760.)  
(Hereford, England.)

Per fesse indented or and gules, three escallops counterchanged.  
*Crest*—A sword and key in saltire.

BURWELL. (Granville County.)

CAMERON. (Orange County.)

CARR. (Edgecombe County.)

Azure, on a chevron argent three mullets of the first.  
*Crest*—A lion's head erased, or.

COBB.

(Adderbury, County Oxford, and Sindringham, County Norfolk,  
England.)

Sable, a chevron, gules, between three dolphins embowed naiant  
argent, a chief or.

*Crest*—An elephant, or.

COFFIN.

CRAWFORD.

(Scotland.)

Gules, a fesse ermine.

*Crest*—An ermine argent.

*Motto*—Sine labora nota.

DEBERNIERE.

(France.)

DRAKE.

(Devon, England.)

Quarterly, 1st and 4th, Argent a wivern, wings displayed and tail  
nowed, gules; 2nd and 3rd, Sable, a fesse wavy, between two  
polar stars argent.

*Crest*—An eagle displayed, gules.

EDEN.

(West Auckland, County Durham, England.)

Gules on a chevron argent between three garbs or banded vert, as  
many escallops, sable.

*Crest*—A dexter arm in armour embowed, coupé at the shoulder  
ppr. the hand grasping a garb bendways, as in the arms.

*Motto*—Si sit prudentia.

EDWARDS.

Argent, a fesse ermines between three martlets or.

*Crest*—On a ducal coronet argent, a tiger passant or.

EVERARD.

(Much Waltham, Essex, England.)

Gules on a fesse wavy between three estoiles, argent a mullet of the field.

*Crest*—A Moor's head couped at the shoulders, sided ppr. wreath about the temples argent and azure.

**FINLEY.**

Barry of six, sable and or.

**GILMER.**

(Scotland.)

Azure, a chevron between two fleur-de-lis in chief or; and in base a writing pen full feathered, argent, with the badge of Nova Scotia as Baronet.

*Crest*—A garland of laurel ppr.

*Motto*—Perseveranti darbitur.

**HALL.**

Argent on a chevron between three columbines azure stalked and leaved vert, a mullet of six points or.

*Crest*—A talbot's head erased.

*Motto*—Turpiter desperatur.

**HAY.**

**HARVEY.**

**HAYWOOD.**

**HINTON.** (Chowan Precinct.)

(Chilton Foliot and Earlscoth, County Wilts, England.)

Per fesse indented, argent and sable, six fleur-de-lis counter-changed.

*Crest*—An eagle's leg erased entwined by a serpent.

**HICKS.**

Gules a fesse wavy between three fleur-de-lis, or.

*Crest*—A buck's head couped at the shoulders or, gorged with a chaplet of roses gules.

*Motto*—Tout en bon heure.

**HOLLIDAY, or HOLLADAY.** (Chowan Precinct.)

(Bromley, Middlesex, England.)

Conferred upon Sir Walter Holladay by Edward IV in 1470, and brought to America by Captain John Holladay in 1702.

Sable, three helmets, argent, garnished, or, a border of the last.

*Crest*—A demi-lion, ppr., rampant, resting his paws on an anchor, azure.

*Motto*—Quarta salute.

**HOLT, or HOLTE.**

(Lancashire and London, granted 18 June, 1582.)

Argent, on a bend engrailed sable three fleur-de-lis of the field.

*Crest*—A dexter arm embowed in armour ppr., garnished or, holding in the gauntlet a pheon sable.

HOSKINS.

HUBBARD.

(Durham, England.)

Sable, in chief a crescent, argent, and in base an etoile of eight points (or) between two flanches ermine.

*Crest*—A wolf passant, or.

*Motto*—Vincit amor patriae.

HUNT. (Thomas Hunt, Pasquotank County, 1659.)

(Bucks., England.)

Azure, on à fesse argent between three cinquefoils or. a lion passant gules.

*Crest*—A boar's head couped and erect between two ostrich feathers.

JOHNSTON. (Gabriel Johnston, 1734.)

(Dumfries, Scotland.)

Argent on a saltire sable; on a chief gules three cushions or.

*Crest*—A winged spur or.

*Motto*—Nunquam non paratus.

JONES. (Willie Jones.)

Argent ermine, three lions rampant sable.

*Crest*—Unicorn sejant, argent.

KEARNY.

(Ireland.)

Sable on a chief argent, three wheat sheaves, vert.

*Crest*—A ruined castle in flames, ppr.

*Motto*—Ich dien (I serve).

LENOIR. (Caldwell County.)

(France.)

Azure, three chevronels or.; on a canton gules a fleur-de-lis argent.

*Motto*—Le noir de Nantes.

LEWIS. (Granville County.)

(Wales.)

Argent, a dragon's head and neck, erased vert, holding in the mouth a bloody hand, ppr.

*Crest*—A dragon's head and neck erased vert.

*Motto*—Omne solum forti patria est.

LINDSEY, or LINDSAY.

(Scotland.)

Quartered. 1st and 4th: Gules, a fesse chequy, argent, and azure.

2d and 3d: Or., a lion rampant gules, the shield debruised of a ribbon, in bend sable over all.

*Crest*—A cubit arm in armor, in pales, holding in the hand a sword erect argent on the point a pair of balances of the last.

*Motto*—*Recta sed ardua.*

LONDON.

(Norfolk, England.)

Argent, three crosses—crosslet in bend, cottised gules.

*Crest*—An armed arm holding a sword ppr., hilt and pommel or, between two dragons wings, argent.

*Motto*—*Fidelis et audax.*

LOVE.

(Hampshire, England.)

This Coat of Arms is composed of the Arms of the Loves of Nuton and the Arms of the Loves of Basing.

Loves of Nuton:

Vert, a lion rampant, or., charged on the shoulder with a cross patée gules.

*Crest*—Out of a ducal coronet (or) a cross formée, gules, thereon a bird argent.

Loves of Basing:

Argent, three bars gules, in chief three lions' heads erased gules.

*Crest*—A cross formée, fitchée, gules, thereon a bird, argent.

*Motto*—*Amor ab amando.*

MACON.

Azure, a bend between three étoiles, or.

*Motto*—*Dadextram misero.*

McFARLAND. (John McFarland, 1770.)

Argent, a saltire wavy between four roses gules.

*Crest*—A demi-savage grasping in his dexter hand a sheaf of arrows, and pointing with the sinister to an imperial crown, or.

*Motto*—This I'll defend. In a compartment above the crest the word "Lochsloy."

McCULLOH.

(Myrtaun, Scotland.)

Ermine a fret engrailed, gules.

*Crest*—A hand throwing a dart ppr.

*Motto*—*Vi et animo.*

MOREHEAD. (Guilford County.)

(Scotland.)

Argent, on a bend azure three acorns, or., in chief a man's heart ppr., within a fetterlock sable. The whole surrounded by an oak wreath ppr., acorned or.

*Crest*—Two hands conjoined grasping a two-handed sword ppr.

*Motto*—*Auxilio dei.*

## MOSELEY.

Quarterly, 1st and 4th, Sable a chevron between three battleaxes displayed, argent. 2d and 3d: or., a fesse between three eagles displayed, sable.

*Crest*—An eagle displayed sable.

*Motto*—Mos legem regit.

## NASH.

## NEEDHAM, 1625.

(Viscount Kilmorey, Ireland.)

Pearl, a bend, sapphire, between two buck's heads cabossed and attired, diamond.

*Crest*—On a wreath a phœnix in flames ppr.

*Motto*—Nunc aut nunquam.

*Supporters*—The dexter, a horse pearl. The sinister, a stag ppr.

## PESCUO.

(Hampshire, England.)

Ermings (black) on a chief or., three griffins sejant sable.

*Crest*—A griffin sejant d'or, the dexter claw raised beaked and membered or.

## POLLOCK.

(Balgray, county Renfrew, Scotland.)

Vert, a saltire argent between a buglehorn in each flank and another in base or, stringed gules; in chief a mullet of the second.

*Crest*—A boar passant quarterly, or. and vert, transpierced with an arrow ppr.

*Motto*—Audacter et strenue.

## PUREFOY.

(Misterton and Drayton, county Leicester, England; seated at former place so early as 1277, and at the latter in the year 1397.

The derivative branches were the Purefoys of Caldecote, Barwell, Wolvershill, Shalleston, Wadley, etc.)

Azure, three stirrups, or.

*Crest*—A dexter gauntlet, or, the inside azure, fingers grasping a broken tilting spear of the second.

*Motto*—Purefoy ma joy.

## RICHMOND.

## RUFFIN.

## ROSE.

Or, three water bougets, azure.

*Crest*—A hawk ppr.

*Motto*—Audio.

## SEAWELL.

(Warwickshire, England.)

Sable, a chevron between three bees argent.

*Crest*—A bee or.

SKINNER.

SWANN.

(Southfleet and Denton Court, county Kent, England.)

Azure, a chevron ermine, between three swans, argent.

*Crest*—A demi-talbot salient gules, collared or.

TURNER.

(Thorveston, Devon, England.)

Sable, a chevron, ermine, between three fers-demoline or; on a chief argent, a lion passant gules.

*Crest*—A lion passant gules, holding in the dexter paw a laurel branch vert.

WASHINGTON.

(Northampton, England.)

Argent, two bars gules, in chief three mullets of the second.

*Crest*—(1) Out of a ducal coronet or, a raven wings endorsed ppr.

(2) Out of a ducal coronet or an eagle, wings endorsed sable.

*Motto*—Exitus acta probat.

WHITFIELD.

Argent, a bend plain between two cottises engrailed, sable.

*Crest*—A stag's head, or, coming out of a palisado coronet, argent.

WILLIAMS.

Sable, a lion rampant argent, armed and langued gules.

*Crest*—A fighting cock.

*Mottoes*—(1) Cognosce occasionem. (2) Yeynodwy fydd.

WILLIS.

Argent, three griffins passant sable; a bordure engrailed gules and bezantée.

*Crest*—A griffin segreant holding a spear piercing a boar's head, sable.

*Motto*—Defende rectum.

WINSTON.

As will be observed some of the surnames in this list belonged to our Colonial governors who were in the Colony a short while, others lived and died here but left no descendants. Again some of the names were represented in the Colony by the spindle side of the house, like Willis, Crawford, etc.

In publishing these notes the writer has not endeavored to delve into a science that has been handled by scholars who have made it a study and about which they have given volumes to the public. This has only been an effort to present

a brief outline of its history and usage, especially in our own Province of North Carolina, with the hope that some light may be thrown on a topic about which, as a rule, we know comparatively little and that it may interest the readers of THE BOOKLET. Heraldic research has produced in her mind an ambition to gather material for a volume on "Carolina Heraldica." All North Carolinians who can aid in this undertaking are requested to furnish what data they may have in their possession, which will be gratefully received.

References: Abbott's "Heraldry Illustrated"; Boutell and Aveling's "Heraldry Ancient and Modern"; Crozier's "General Armory"; Burke's "General Armory"; "A Royal Lineage"; "Genealogical Column" of Richmond *Times-Dispatch*; "A Corner in Ancestors" of *The Democrat*, Nashville; various unpublished private papers of North Carolina families, etc.

## THE STATE OF FRANKLIN

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BY CAPTAIN S. A. ASHE.\*

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(Extracts from the 2d volume of Ashe's History of N. C. Mss.)

On August 21, 1776, the Council of Safety of North Carolina, which was invested with the functions of government when the Provisional Congress was not in session, met at the house of Mr. Joel Lane in Wake County. A petition was received from the settlements on the Watauga and Holston, called by the inhabitants there "The Washington District," setting forth that about six years earlier they had begun to locate in that territory, and finding themselves outside of Virginia, had formed a court and adopted the Virginia laws, and had enlisted a company of riflemen under Capt. James Robertson, stationing them on the frontier to guard against an attack by the Indians. They asked that they might be annexed to North Carolina, promising to be governed by the Council and to lack nothing in the glorious cause of America. The petition was signed by John Carter, John Sevier, William Bean, and others as a committee, and to it were attached more than a hundred names of settlers on the Watauga and Nolachucky, among them being David Crockett. The Council directed that they should hold an election on October 15th, and choose five delegates to represent Washington District in the Congress of the State to meet at Halifax on November 10th.. This was the first connection between the settlement beyond the mountains and the Province or State of North Carolina. In 1767, under instructions from the Crown, Governor Tryon had established a line running along the crest of the Blue Ridge, beyond which the whites were not to settle—but some adventurous

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\*A Biographical Sketch of Captain S. A. Ashe, by Mrs. E. E. Moffitt, appeared in the BOOKLET, Vol. IX, No. 4.

men had pressed down from Virginia to the waters of the Watauga, and others from North Carolina had joined them, and by 1776 the settlement had extended south of the line dividing Virginia territory from that of North Carolina. Those in Virginia were under the law of that Province; those south of the Virginia line established a local government for themselves, and adopting Virginia laws, called their settlement, "Washington District." They followed the directions of the North Carolina Council, and in October, 1776, elected delegates to the North Carolina Convention, who took part in framing the State Constitution. That fall treaties were made with the Indians by which they surrendered their right to the lands on the Nolachucky, Watauga and New rivers, and the dividing line between Virginia and North Carolina was extended beyond the settlements; and Washington District became a county of North Carolina.

Further to the west, Kentucky had received many accessions, and in 1779 James Robertson had established a camp at a salt-lick on the Cumberland River, separated by impassable mountains from the Watauga settlements. The next year others followed in boats down the Tennessee to the Ohio, and then ascended the Cumberland to Robertson's cabins. Although much harassed by the Indians, they held their ground, and so increased in numbers that in 1783 the North Carolina Assembly incorporated that region into a county, calling it Davidson, and naming the central settlement Nashville. At the same session, North Carolina made some provision for her soldiers now returning to their homes, wearing the laurel leaves of victory. There was set aside as a bounty for the veterans of the war an extensive domain from the point where the Cumberland River crossed the Virginia line, south fifty-five miles—then westward to the Tennessee, and Martin Armstrong was appointed the surveyor to locate their grants, and on the east of the Cumber-

land Mountains, in the valley of the Powell River, in extinguishment of their claims for lands purchased from the Indians, more than 200,000 acres were allotted to Richard Henderson and his associates.

And now the soldiers crossed the mountains to take possession of their bounty lands, and population flowed in with a rush to occupy the fertile tracts along the Powell and the Clinch, while others passed on to the distant Cumberland. The old Washington District was subdivided into Washington, Sullivan and Greene counties.

The State was burdened with a heavy debt, while the Confederacy of the States was on the point of falling to pieces because of its inability to pay its debts.

In its sore straits, Congress had urged the States to cede their unsettled western territories for the benefit of the Union.

The North Carolina Legislature, adopting the suggestion, offered to cede her entire territory beyond the mountains, although it was thought to contain one-tenth of her population. The proceeds of the unoccupied lands thus ceded were to be for the payment of the creditors of the United States. This measure was deemed by some as unjust, weakening the security of the creditors of the State and depriving the inhabitants of a chief asset for the payment of their public indebtedness. William R. Davie made vigorous opposition, and under his leadership General Person and thirty-six other members filed a strong protest against it. In particular it met with the disfavor of the representatives of the interior counties, and even some of those from beyond the mountains strenuously objected. But the purpose to contribute to the common fund of the Union was strong, and, besides, there were both political and economical reasons for the cession. The inhabitants of the territory were entirely segregated, and the administration of public affairs, rendered difficult as well

as expensive by the remoteness of the region cut off by impassable mountains, had been so unsatisfactory that many of the people were discontented and desired separation. And so, despite much earnest opposition, the bill was hastily passed without the subject having been discussed at all among the people of the State. There were, however, several conditions attached to the donation. It was to be accepted by Congress within twelve months. As a provision for orderly government, the territory was to have the North Carolina Constitution, until the inhabitants themselves should change it; and there was to be no regulation made by Congress tending to the emancipation of slaves, other than should be directed by the new State itself. This last condition was inserted because Congress had already manifested a disposition to legislate against slavery. When an ordinance was being framed for the government of the Northwest territory, a provision prohibiting slavery in that region failed only by the vote of Richard Dobbs Spaight, one of the North Carolina delegates, much to the irritation of Thomas Jefferson, who ardently urged the provision. Three years later, in 1787, when a second ordinance was passed, Jefferson was successful and slavery was forever prohibited in that extensive region.

There was a further provision in the act of cession that until Congress should accept the gift, the sovereignty and jurisdiction of North Carolina, in and over the territory and the inhabitants thereof, should remain in all respects as if the act had not been passed. So with respect to government in the territory, the existing government was not disturbed; nor was it to be disturbed until Congress should accept the gift; and then it was provided that the Constitution under which the people had lived should continue to be their fundamental law until changed by themselves.

Subject to the condition mentioned North Carolina in June, 1784, made the tender of one-half of her territory,

already somewhat settled, and with population pouring into it, for the benefit of the Union. Truly it bespoke a high patriotism. No other State had been so liberal in sustaining the common government. If during the war North Carolina's contributions for the cause had been unsurpassed, now in time of peace she again set an example for her sisters to follow.

Some unexpected events, however, quickly followed the passage of the act. When the measure was being considered some of the representatives from the counties embraced favored its passage, while others stoutly opposed it. The sentiment of the leaders was divided, but the people for the most part hailed it with satisfaction. For some time courts had not been regularly held beyond the mountains, and the laws were not fully enforced. Settlers were daily encroaching on the lands of the Indians, who had become irritated because of prolonged delay in delivering to them goods, agreeably to a treaty stipulation, in compensation for territory already relinquished. These circumstances aroused a spirit of hostility and several of the encroaching settlers were murdered. A feeling of unrest, perhaps of insecurity, began to pervade the settlement. And, so, when the news was received of the act of cession among the greater number of people it fell on willing ears. It was urged that the State had neither sufficiently enforced law nor given adequate protection; and soon the people numbering some thirty thousand, hardy and self-reliant, moved forward with eagerness to assume the function of self government. Doubtless, also, the vista of public honors in a separate and independent commonwealth was pleasant and alluring to aspiring leaders and quickened them to action. There was some objection; but the voices of those who doubted were drowned in the general commotion. Although not authorized under the act of the legislature, a movement was made to hold a popular con-

vention. Without delay the counties of Washington, Sullivan and Greene elected delegates, who assembled at Jonesboro in August, 1784.

It is the first step that always costs. This irregular action, not anticipated nor authorized by North Carolina, was the beginning of events that led to grievous disappointments and deplorable anarchy. The idea of independence had been urged with great zeal and had taken strong hold on the public mind. The proceedings of the Convention were opened by reading the Declaration of Independence; the act of cession was approved; and initial steps were taken to establish a new government; and an association was adopted and signed to maintain independence. John Sevier presided over the Convention and gave direction to affairs. One of the heroes of Kings Mountain he had long been the most important personage in that region, and was esteemed for his capacity and character, no less than for his bravery and vigorous action. Under his direction it was determined to call a second convention for the purpose of framing a constitution, and in the interim it was resolved that the new State should establish a government similar to that of North Carolina.

In August the election was held under the new law and in October the North Carolina Assembly met at New Bern. As Governor Martin's term was to expire in the spring, a successor was now to be chosen. Caswell and Nash were the aspirants, the former becoming the victor by twenty votes. Caswell was in full sympathy with Martin in regard to the Union; Nash stood with Rutherford in regard to the Tories. There were divergences, but as yet no well defined parties.

The people had not generally approved the act of cession. Davie and his followers had been sustained at the election, and the new Assembly was in sympathy with that faction. Besides, a new cause of dissatisfaction was now brought to the attention of the members.

Virginia and New York had in December, 1783, agreed to convey to Congress the unsettled territory beyond the Ohio; but Massachusetts and Connecticut had set up a claim for a part of that region for themselves; and these and other States were making demands on Congress for the repayment to them of bounties paid to their troops, and were presenting claims for other military expenses incurred for local purposes. These demands, so at variance with North Carolina's liberality, excited disgust and aroused indignation. The Assembly directed the Governor to make up North Carolina's expenditures and to insist on payment; and, it appearing that other States had not passed acts levying taxes for the Union similar to those passed by North Carolina, money collected by these acts was directed to be turned into the State treasury; and further, since Congress had not yet accepted the gift of the western territory, the Assembly repealed the act of cession, the vote in the House being 37 to 22. So within six months after the offer was made, it was withdrawn. Having determined to retain the territory, the Assembly created a new judicial district, called the District of Washington, covering the four western counties, and appointed John Haywood to preside, and David Campbell an associate judge; and John Sevier and was appointed brigadier general of the district.

Sevier had been the central figure in the movement to establish a new State, but on learning of this action of the North Carolina Assembly he was satisfied with it and urged that no further steps ought to be taken looking to separation. A majority of the inhabitants, however, determined to persist, and Sevier's advice was disregarded. Nevertheless he exerted his influence to such good purpose as to prevent the election of delegates to the approaching convention in two of the counties. Elsewhere his opposition was ineffectual, and finding the popular current for separation too strong to be

stemmed, he at length yielded to it and became a member of the new convention and presided over it. That body framed a constitution similar to that of North Carolina, which was submitted to the people for their consideration, to be rejected or ratified by a convention to assemble thereafter; and it ordered an election for members of Assembly. The Assembly so elected convened in March, 1785. At its first session it elected Sevier governor of the State for a term of three years, and David Campbell presiding judge of its courts; and also appointed State and county officers. The old county officers who had been commissioned by North Carolina were for the most part retained in their respective offices. The county of Greene was divided, and two new counties erected, one named Sevier, and the other in compliment of General Caswell; while an academy was incorporated, called in honor of Governor Martin, as the State itself had been called Franklin in compliment of Dr. Franklin, then of great influence in the Continental Congress. The salaries\* of the officers were fixed at moderate amounts; and, there being a scarcity of currency, it was enacted that the produce of the country should be received at certain fixed values in payment of all taxes, public debts and salaries. This was entirely similar to the early practice of Albemarle and North Carolina; and the same custom had prevailed in some other States and communities. Good flax linen was rated at 3s. and 6d. per yard, linsey at 3d., beaver and other skins at 6s., raccoon and fox skins 1s. 3d., woolen cloth at 10s., bacon 6d. per lb., good distilled rye whisky 2s. 6d. a gallon, peach or apple brandy at 3s. a gallon, country made sugar at 1s. per lb., deer skins 6s., good tobacco 15s. the hundred, etc.

On learning that the people were taking steps to form a separate State, Governor Martin in 1785 dispatched a special messenger to General Sevier notifying him of the repeal of

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\*The word salary had its origin in the practice of paying the old Roman soldiers their stipends in salt.

the act of cession and warning him and the people to desist from their revolutionary proceedings and be obedient to the laws of North Carolina. But the admonition was disregarded. The legislature of Franklin was then in session and made a formal reply, as also did Governor Sevier, declaring their purpose to proceed; and Colonel William Cocks was directed to hasten to Philadelphia and solicit Congress to admit the State of Franklin into the Union. North Carolina, they said, had cast them off and they did not mean to return.

On receiving these replies Governor Martin convened his council, and on April 25 published a manifesto requiring the inhabitants beyond the mountains to abandon their purpose to form a new State, and to return to their allegiance. He declared that the people of North Carolina were unwilling to part with them—as indicated by the result of the recent election for members of the Assembly; that all their grievances had been remedied; that a military district had been created for them, and a brigadier general appointed; and also that a resident associate judge had been appointed to hold their courts. But both his entreaties and warnings were equally unheeded. Undismayed by the Governor's proclamation, Sevier and his associates, although denounced as being in revolt, held fast to their new constitution and revelled in the delights of independence. Evan Shelby, now appointed brigadier in the place of Sevier, and John Tipton, the colonel of his county, and Colonel James Martin, the Indian agent, all men of great influence, exerted their utmost power to arrest the progress of events, but without avail. Finding that the western counties persisted in their course and defied the authority of the State, Governor Martin issued a call for the Assembly to meet in New Bern on June 1.

In the meantime the people of Franklin were not inactive. They proceeded to administer the affairs of the new State with resolution and determination. Colonel Cocks, on reach-

ing Philadelphia about the middle of May, met with much favor at the hands of Congress, and that body, with scant courtesy to the North Carolina delegates, manifested its sympathy in his mission by urging North Carolina to retrace her steps and annul the repealing act and execute a conveyance of the western territory to the Union. Thus matters stood at the opening of June when Martin's term expired and Caswell entered on the administration. Although the legislature had been called to meet with the new Governor, a quorum did not attend, and Caswell was left to deal with the novel situation without the aid of the Assembly.

And, indeed, conditions beyond the mountains became more acute and claimed his anxious attention. Affairs there were rapidly assuming an alarming aspect. To placate those who were insisting on independence he wrote letters and addresses kindly in their tone, holding out the hope of an early separation, when the people should be sufficiently strong to maintain a government and protect themselves from the Indians; and as indicating his good will, he declared that he himself expected to lay his bones on the western waters. But at the same time he sent forward the civil and military commissions ordered by the legislature and insisted on a loyal obedience to the authority of the State. In some of the counties these commissions were accepted; in others they were refused. The two factions, that sustaining the independent government called Franks by themselves and rebels by the others, were almost on the point of coming to blows. Each represented and sustained the authority of a government that the other opposed. Clashing between the two courts and county officers was inevitable. To avert trouble, in March General Evan Shelby, acting in behalf of those adhering to North Carolina, and Governor Sevier entered into an agreement that while the respective courts might try criminal cases they should not proceed to any civil business except to

prove wills and deeds, and that the inhabitants might pay their taxes either to North Carolina or to the State of Franklin as they might select; and further, that the sheriffs and jailors under the Franklin government should receive felons committed by the North Carolina courts. This agreement, tolerating North Carolina authority, was, however, immediately repudiated by the Franklin Legislature, then in session.

That body, rejecting every purpose of temporizing, acted with vigor and vehemence. It passed an act punishing, with fine and imprisonment, any person who should act as a magistrate, or in any other civil capacity, under the authority of North Carolina, and it directed the Governor to raise the militia and oppose by force the operation of any North Carolina law, authorizing a bounty of 400 acres of land to those who would enlist; and, to draw the wavering to their side, a land office was opened where grants were to be obtained on very easy terms. Sevier's attitude, which had been moderate, now was completely changed. He wrote to Caswell: "We shall continue to act independent and would rather suffer death, in all its various and frightful shapes, than conform to anything that is disgraceful." The purpose to maintain independence was fixed and strong, while those who adhered to North Carolina were equally resolute and determined. The division between the two parties among the inhabitants was clearly drawn, and the circumstances of every day intensified the estrangement. Toleration gave way to bitterness. In May the situation was so acute that General Shelby notified Caswell that hostilities were about to begin, and, unless the government interfered, bloodshed would at once take place. It was no part of Caswell's policy to precipitate a situation where he would have to subjugate the inhabitants, although in revolt. He hastened to urge the officers holding North Carolina commissions to use the utmost

moderation. To dampen their ardor and restrain their action, he declared that he could not send them any assistance, and he begged them not to engage in a civil war. His information was conflicting. David Campbell assured him that nineteen-twentieths of the inhabitants favored separation, while Thomas Hutchins reported that, although the people of Greene were much divided, in the other two counties two-thirds were willing to return to their allegiance. In the meantime the force, which the Assembly had directed to be raised to cut the road to Davidson, was being recruited; and Colonel James Martin, the Indian agent, went among the Indians to prevail on them to desist from hostilities. At length towards the close of April, General Shelby called together Tipton, Maxwell and Hutchins, the Colonels of the three counties, and they united in urging that the only hope of averting bloodshed was for North Carolina to send from Burke a thousand men to uphold her authority. Intent on the supremacy of their faction and on the suppression of their opponents, they sought to strengthen their cause by a display of force that would deter the Franks from persisting in their defiance. But it must not be forgotten that they held commissions from the State charging them with the duty of upholding and maintaining her supremacy. Caswell, however, relied on gentler means of persuasion and hoped for the healing influence of time. In the meanwhile, further in the interior the savages were murdering the settlers. The Mississippi was claimed by the Spaniards, who, from their stronghold at Mobile, had free communication with the tribes in the interior, while the Frenchmen on the upper Mississippi had trade relations with the Indians, which bred a jealousy of the encroaching pioneers. The savages were thus influenced to continual warfare. In June, from the Cumberland came a cry for immediate help. Anthony Bledsoe wrote: "Nothing but the distress of a bleeding country could induce

me to trouble you on so disagreeable a subject. \* \* \* Inclosed you have a list of the killed in this quarter since our departure from this country to the Assembly. This, with the numbers wounded, with the large numbers of horses stolen from the inhabitants, has in a degree, flagged the spirits of the people." And the next month, James Robertson advised Governor Caswell that there had been a hot war with the Chicamauga Indians; that he had raised 130 men and gone to the front, where he found that the Indians had been joined by Frenchmen from Detroit who were inflaming them to hostility. In one of the encounters, three Frenchmen and a French woman had been killed. He urged the Governor to hurry on the force the Assembly had ordered for their protection. The commander of that detachment, Major Thomas Evans, had met with such obstacles that the middle of August found him still east of the Blue Ridge, and Caswell indignantly ordered him to proceed, not delaying to open the road to Nashville but pressing on to the relief of the people. Evans, however, could not scale the Alleghany Mountains. Diverted from the direct course, he passed through Cumberland Gap and made his way into Kentucky, his men cheerfully enduring their march through the wilderness where no supplies could be obtained. In Kentucky he could purchase no provisions either on public or private credit, and was driven to furlough his men until by their labor they could procure sufficient food to last them to Nashville. At length, in the middle of October, he reached Davidson County, after a toilsome journey of 400 miles. There he found the inhabitants were being daily murdered, and he hurried advices home that he himself was hourly expecting attack.

While such was the critical condition on the Cumberland, on the Watauga influences were silently at work, undermining the foundations of the new State. The moderation and

firmness of the North Carolina Assembly, its tender of oblivion and remission of taxes, together with the hope held out of eventual consent to the separation, had a softening influence on the public mind. But for a period there was so much bitterness, and the current was so strong for separation, that General Shelby himself yielded to it, resigned his commission as brigadier, retired from the service of North Carolina, and recommended to Governor Caswell that separation should be conceded. Yet notwithstanding his defection, and despite the strenuous efforts of Sevier to sustain his government, the enthusiasm that had attended the first movements for independence gradually disappeared. When the August elections came on, only two counties failed to elect representatives to the North Carolina Assembly. In Greene, David Campbell, the presiding judge of Franklin State, and in Washington, where the Sevier party had been strong, Colonel Tipton were elected to the Senate. Sullivan elected General Joseph Martin and Hawkins sent to the House of Commons Henderson and Marshall; all of whom and their colleagues had at one time been adherents of the new State. Only Sevier and Caswell counties, well on the frontier—where land had been occupied contrary to the North Carolina laws, stood faithful. The former lay between the Little Tennessee and the French Broad within the Indian reservation, where more than 1,000 families had located, and the latter in the forks of the French Broad and Holston. Still there were many who yet adhered to Franklin; and in all the counties conflicts were continually arising between the courts held under the authority of the two different States. In Washington County particularly these clashings reached a great height, being colored by personal enmity as well as political antagonism. In that county resided both Governor Sevier and Colonel John Tipton, neighbors and once friends; but when on the repeal of the Act of Sessions Colonel Tipton

abandoned the new government which he had aided to frame and renewed his allegiance to North Carolina, withdrawing his support from Governor Sevier, a bitter personal feud sprang up between them. And this was intensified by the circumstance that, while Colonel Tipton was the clerk of the North Carolina County Court, James Sevier, a son of the Governor, became clerk of the Franklin Court, and each dominated the justices and officers of their respective courts. In August, 1787, Colonel Tipton, at the head of some fifty men, undertook to take the records of the Franklin Court, and quickly two hundred of the Franks embodied to oppose him. A rumor was then spread that the purpose was to seize Governor Sevier, and fifteen hundred of his followers rushed to protect him. The error, however, was made known, and no blood was shed; but there were personal encounters between Tipton and the Seviars.

About that time Governor Sevier, seeing that the tide was turning against the continuance of his government, determined on strengthening his cause with the people by prosecuting an Indian war. Far to the south the Creeks were giving trouble, and Governor Sevier entered into arrangements with the Governor of Georgia for their conquest. In September, with some difficulty, a quorum of the Franklin Assembly met at Greeneville, but confidence in the new State had ebbed so fast that Sevier was able to secure the passage of an act providing the means for carrying on the projected war only by a compromise. He agreed that two delegates might be chosen to attend the North Carolina Assembly and make such representations as they should think proper. Judge Campbell and Landon Carter were elected delegates for this purpose, the former having been already chosen to represent Greene County in the State Assembly. This action indicated that the last stage was being reached in the existence of the new State. Gradually the Commonwealth of

Franklin was passing away. Hardly had the Assembly adjourned, and it was the last Assembly of Franklin that met, before Governor Sevier began to prepare for his campaign. In the great bend of the Tennessee, in the Creek country, lay some very desirable land, and it was arranged that this should be reserved for the Franklin volunteers. On November 28 Governor Sevier announced that every private should have 640 acres in the great bend, and officers in proportion; and the work of enlistment went briskly on.

The General Assembly met at Tarboro on November 19, and both the representatives elected by the counties beyond the mountains and the delegates chosen by the legislature of Franklin, attended the session. The former were admitted to seats, and the latter given a respectful hearing when they urged the continued desire of the people for separation. The Assembly, however, held steadfast to its purpose. James Martin was appointed brigadier of the district, and a special committee was directed to report measures to quiet the disorder in the western counties. They advised a further extension of the act of pardon, and that all suits for nonpayment of taxes should be discontinued; and these measures were adopted. The policy of mediation and conciliation was bearing its fruits and North Carolina was supplanting the State of Franklin, whose legislature had ceased to exist, whose judicial officers were no longer acting, and whose Executive after March would have no claim for the exercise of authority. Governor Sevier's term was to end on March 3, and no successor had been chosen; and, there being no Assembly, none could be chosen. The State of Franklin was about to expire by a natural dissolution, and without any great convulsion or bloodshed. But now an incident occurred attended by unfortunate consequences.

During the fall of 1787, a judgment having been obtained against Governor Sevier in one of the local Carolina courts,

an execution against his property was put in the hands of the sheriff. The levy was made on some of his negroes on his plantation, and for fear of interference, the sheriff removed the negroes to the premises of Colonel Tipton for safe keeping. It was a great error in judgment and an improper exercise of power. Necessarily it inflamed Governor Sevier and was a personal affront that he would not brook. Had no such incident occurred the State of Franklin would probably have faded away, leaving, doubtless, a memory of disappointment but without pangs of bitterness. At the moment, Sevier was in Greene County collecting volunteers for the expedition against the Creeks. On learning of this seizure of his property and the removal of his negroes to the premises of Colonel Tipton, he dispatched a messenger to Caswell County, February 15, saying that the Tipton party had got very insolent; and that he had ordered fifteen men out of every company to turn out. He was "satisfied that a small exertion will settle the matter to our satisfaction." Tipton, on being informed of Sevier's action, wrote on February 25, "The rebels are again rising. Sevier is now making his last effort. \* \* \* This day they are to meet at Greene. To-morrow at Jonesboro, and Wednesday, if not before, they push here." And he called for aid. A few friends reached him in time. But soon the Governor with 150 men and a small cannon appeared on the scene and demanded an unconditional surrender. Tipton valiantly defied him. Truly Sevier's situation was embarrassing. He had no desire for bloodshed. His commission as Governor was to expire within three days, and his State had virtually ceased to exist. Stigmatized as a rebel by the Carolina officers, he doubtless comprehended that to use military force against the Carolina authorities placed in jeopardy the lives of himself and his followers. It was levying war and high treason. For nearly four years two conflicting governments

had been carried on in that wilderness; and despite personal enmities, despite the clashing of the courts and the antagonistic authority of the militia officers, there had been no serious collision. This of itself is high evidence of the wisdom, courage and moderation of Sevier, as well as of the forbearance of the inhabitants generally. Now circumstances springing from his personal affairs brought the Governor face to face with an emergency threatening bloodshed. He had probably hoped to redress his wrongs by a show of superior strength; but a hard fate had brought him into a position from which he could not retreat with credit, nor proceed without hazarding consequences for which he had no heart. He became a prey to conflicting emotions—sad and dejected. There was no assault made on the house; but some firing took place, not in Sevier's presence. Those passing into Tipton's premises were fired on, and one or two killed and wounded, but there was no engagement. At length, in the early morning of February 29, Colonel Maxwell of Sullivan County, to whom Tipton had appealed for aid, approached with his militia. He had made a night march. The weather was very cold, and there was a blinding snow storm. As he neared the scene about sunrise, Maxwell saw Sevier's men advancing, and a collision occurred. Maxwell's militia discharged a volley and raised a great shout, which led Tipton to sally out, taking Sevier's party in the rear or flank. As it probably had never been Sevier's purpose to engage in battle, he and his men quickly dispersed, followed, but not aggressively, by the militia. On March 3 Sevier sent a verbal message that if his life was spared, he would submit to North Carolina. Tipton, in reply, offered to cease hostilities, giving Sevier and his party until the 11th to submit to the laws. The Council of the Franklin State made reply that they would be obedient to the laws of the Union, and they wished a convention of the people called at once.

As for Governor Sevier, they stipulated that he should be left at liberty to act for himself; and he, with some anxiety, required a plain understanding as to what he could depend on. Ten days later General Joseph Martin, the brigadier of the district, appealed to General Kennedy to bring about a reconciliation. He declared that he would be sorry to imbrue his hands in the blood of his countrymen, but "nothing will do but a submission to the laws of North Carolina." This is the only way, he urged, that would relieve Governor Sevier from a very disagreeable situation. He offered Kennedy a commission under North Carolina, and urged him to prepare for action, as a general Indian war was expected. Martin's conciliatory steps and firm action had a very salutary effect. All opposition ceased, every trace of the State of Franklin disappeared.

In the meantime Sevier, no longer Governor, left Washington County and took shelter in the distant settlements. A period of repose now set in; but in June Sevier, having gathered some forty bold and daring men, fell on the Indians on the Hiwassee and killed twenty of them, following this with another raid and bringing in fourteen scalps; and then, in July, he made a third invasion of the Indian country which precipitated an Indian war.

Notwithstanding that the State of Franklin had fallen, Sevier and his friends indulged a hope that the State Convention, which was to meet at Hillsboro in July to consider the proposed Federal Constitution, might cede the western territory, or otherwise provide for a separation, but that body adjourned without action favorable to their desires. On the other hand Governor Johnston, because of advices from General Martin called his council to meet at Hillsboro in July, and on receiving information of Sevier's battle with Maxwell while the Convention was still in session, he wrote to Judge Campbell: "It has been repre-

sented to the Executive that John Sevier, who styles himself Captain General of the State of Franklin, has been guilty of high treason in levying troops to oppose the laws and government of this State, and has with an armed force put to death several good citizens. If these facts shall appear to you by the affidavit of credible persons, you will issue your warrant to apprehend him." Judge Compbell, however, took no action. Later, Judge Samuel Spencer crossed the mountains to hold court at Jonesboro, and he issued a warrant for the arrest of Sevier. On the evening of October 9 Sevier with a number of men had a violent altercation with one Deadricks in Washington County, and Colonel Tipton, armed with the bench warrant and doubtless feeling that his hour of triumph had arrived, hastened in pursuit with a body of horsemen. At early dawn the posse surrounded the premises of Widow Brown, where Sevier lodged that night, and at sunrise the arrest was made. Sevier was taken to Jonesboro, and then was conveyed to Morganton for trial. It is said that he was treated with great discourtesy and malevolence, and for a time was subjected to the indignity of being handcuffed, but the details are obscure, and the circumstances were such as to require unusual care on the part of those charged with his safe keeping. In a letter to the General Assembly he alleged that he "was treated with wanton cruelty and savage insult," and he complained of being "borne off out of the district" for trial. Arrived at Morganton he was released on parole to visit a brother-in-law in the vicinity. The court being convened, he attended agreeably to his parole. In the meantime, two sons and other friends had followed to rescue him. "At night, when the court broke, and the people dispersed, they with the Governor, pushed forward towards the mountains with the greatest rapidity and, before morning, arrived at them, and were beyond the reach of any who might think proper to pursue." Appa-

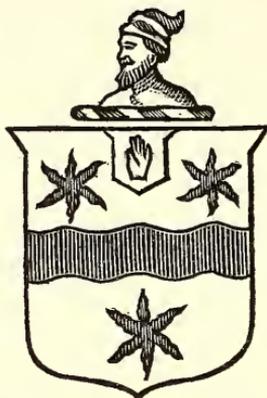
rently no further effort was made to capture him. At the November session of the Assembly following, the act of pardon and oblivion was again passed, but it was provided that Sevier was so far excepted that he should not be entitled to hold any office under the State. But the act operated to pardon his alleged offense of high treason, and put a stop to the proceedings in court against him.

Congress and the States of Georgia and North Carolina had taken measures with the view of quieting the hostility of the Indians; and on a conference a firm peace was agreed to. But shortly afterwards, Sevier with a considerable force made his way to one of the Indian towns, and finding all the braves absent on a hunt, he brought away twenty-nine women and children, and again the people on the frontier realized the necessity of taking measures for protection. On January 12, 1789, some twenty of the prominent men of Greene County met in convention and "resolved to petition North Carolina to divide the State and cede the territory west of the mountains to Congress, and that John Sevier keep the command of the inhabitants." On being informed of these proceedings Governor Johnston wrote to General Martin that "Sevier appears to be incorrigible; and I fear we will have no peace in your quarter till he is proceeded against to the last extremity"; but he directed Martin to act with prudence and conciliation both in regard to the inhabitants and the Indians. Before summer came, however, Sevier had abandoned his opposition to the State of North Carolina. At the August election he was chosen to represent his county in the State Senate, and he appeared along with the other members when, in November, the Assembly met at Fayetteville. His disabilities had not been removed; but during the session he presented a memorial to the body. On November 30 a committee, drawing a veil over his particular offense, reported that "when the people in the western coun-

ties first attempted to subvert the government, Sevier opposed them and prevented elections from being held in two of the counties; and that he was not as highly reprehensible as many others." A bill was therefore passed including him in the general pardon; and he took his seat in the Assembly, and further, it was declared that he still held the office of brigadier general under his original appointment in 1784. And thus the last vestige of the State of Franklin was, by conciliation and moderation, buried out of sight, without the punishment of any person for engaging in the insurrection, and Sevier, who for years had been the central figure in the revolt was, on his first submission to the laws of the commonwealth, admitted to a seat in the Assembly and restored to the honors and emoluments of military commander in his district.

**SIR RICHARD EVERARD, BARONET, GOVERNOR  
OF THE COLONY OF NORTH CAROLINA, 1725-  
1731, AND HIS DESCENDANTS IN VIRGINIA.\***

BY MARSHALL DELANCEY HAYWOOD.†



Sir Richard Everard, Baronet, of Much Waltham, in the county of Essex, England, was the last Governor of North Carolina under proprietary rule. His administration was brought to a close in 1731, two years after the sale of that province to the Crown, by the Lords Proprietors, in 1729. He came of ancient lineage in the land of his nativity.

From *Betham's Baronetage of England*‡ we learn that the family's earliest ancestor, of whom any record is preserved, was Ralph Everard, who flourished in the thirteenth century, during the reign of Henry III. His descendants lived at Much Waltham—or Waltham Magna, as we first find it written—and were among the landed gentry of the shire. Sir Anthony Everard received the honor of knighthood in 1603, and was succeeded by his brother, Hugh, who held the

\* From Publications of Southern History Association (Washington, D. C.) October, 1898, pp. 328—339.

† A Biographical Sketch of Mr. Marshall DeLancey Haywood, by Mrs. E. E. Moffitt, appeared in THE BOOKLET, Vol. VIII, No. 1.

‡ Vol. 1, 368, 369.

office of High Sheriff, in 1626. The latter's son, Sir Richard, was advanced to the dignity of Baronet, in 1628, and became the father of another Richard, who inherited his title and estate. Sir Hugh Everard, a son of the last named, "signalized himself" in the Flemish Wars, and was the father of Governor Everard, fourth baronet.

Wright, in his *History of Essex*,\* says that Governor Everard sold the family's ancestral estate, Langleys, to discharge debts with which it was encumbered, and afterwards purchased a much smaller one at Broomfield.

To avoid confusing the similar surnames, it may be well here to observe that there was likewise a family of Everard (seated at Ballybay, county of Tipperary, Ireland), which included a line of baronets whose title was created in 1622, and finally became extinct.† Several of these also bore the name Richard, but no relationship seems traceable between them and the Everards of Much Waltham, in Essex.

In 1725, Governor George Burrington, who had made things a trifle too hot for his adversaries in North Carolina, was removed from office by the Lords Proprietors. Thereupon a memorial was presented by Sir Richard Everard, of Essex, asking that he might be appointed to the vacancy. This request being granted, he set out for America, and on the 17th of July was sworn in, before the Provincial Council at Edenton, as governor, captain-general, admiral, and commander-in-chief of the colony."‡

On the 1st of November, 1725, the Assembly of the Province met at Edenton, and was prorogued by Governor Everard until April, in the following year. Upon inquiry from the burgesses, as to his reason for such a course, Sir Richard refused to discuss the question; and replied that, since they had seen fit to dispute his authority, he would stand by the

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\* Vol. I, 196.

† Burke's *Extinct and Dormant Baronetage* (1844 edition), p. 604.

‡ Colonial Records of North Carolina, II, 559, 556.

decision. It was thereupon unanimously resolved, by the members of the Assembly, that their pretended prorogation was illegal, contrary to the laws of the province, and an infringement upon the liberties of the people. It was further resolved that, at its next meeting, the House would proceed to no further business until the privileges, then withheld, were restored and confirmed. The Assembly further proceeded to make itself pleasant by sending a memorial to the Lords Proprietors, wherein the loss of Burrington was greatly deplored and deep concern expressed at the prospect of so vile an administration from the new Governor, who was declared to be entirely influenced by a few irreligious persons of immoral character.\*

Soon after this Sir Richard became involved in a dispute with the Rev. Thomas Bailey, on account of some praise bestowed by the latter upon the recent administration of Governor Burrington and that gentleman's "vast character." A riot resulted, led by the Burrington faction, which carried Bailey in triumph to the court house, where he was prevailed upon to favor his friends with a sermon. After this, Everard had the pleasure of paying his respects to the Rev. Thomas, in a letter to the Bishop of London, wherein he described the missionary as a riotous individual, much given to drunkenness, whose vile actions had caused him to be run out of Philadelphia into Virginia, whence he escaped to North Carolina. But the vestries of Hyde and St. Thomas soon came to the rescue of their parson's reputation, and declared him to be a most pious and exemplary minister, well deserving of encouragement.†

The Assembly, which had been prorogued to meet in April, 1726, convened at the appointed time, and was addressed in a spirit of conciliation by the Governor, who sought to impress upon it the necessity of harmonious ac-

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\* Colonial Records II, 576, 577, 578.

† Colonial Records II, 579, 580, 581, 604, 624.

tion. The reply to this expressed pleasure at the good intentions avowed, but declared that the most effectual method of seeking redress would be to lay aside all formalities of speech. Then followed a catalogue of grievances, entitled "Exclamations of the Injured & Oppress'd." Shortly after receiving these "exclamations" the Governor became ill and again prorogued the Assembly, which was not much improved in humor thereby.\*

Governor Burrington had lingered in the province, after his removal from office, and was an interested observer of these occurrences. Before the Assembly met, he had made himself rather disagreeable to Everard, by going to that gentleman's house and calling for satisfaction, also indulging in some questionable language, which the writer, having quoted in two previous sketches, does not deem it necessary here to repeat. Suffice it to say, that Sir Richard's "damn<sup>d</sup> thick skull," as Burrington politely termed it, remained unscalped, contrary to the charitable intentions of his assailant, who soon found it convenient to leave Edenton.†

A few months later, Edmond Porter was also taken with a fit of belligerency and attacked Secretary Lovick, but fared worse; for the latter was joined by Governor Everard, Attorney General Little, Colonel Worley, and a few more official dignitaries, who soon gave the aggrieved Mr. Porter more satisfaction than he knew what to do with.‡

The next bellicose individual, who ran amuck of the Governor, was Dr. George Allen (or Allynn, as he signed himself), a "Chyrurgeon" or "Practicer of Physick & Surgery." This gentleman was generously donated to North Carolina by the city of Williamsburg, Virginia, where an indictment had been found against him for cursing King George and Governor Drysdale. After his arrival in Edenton, he was

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\* Colonial Records II, 609, 613, 622.

† Colonial Records II, 647 *et seq.*

‡ Colonial Records II, 659.

again brought before the courts for damning the King "while a drinking of clarett." But, from the nature of an undertaking he had in view, one might suppose it was something stronger than claret which Dr. Allynn drank; for he wanted to go to Hanover and get King George's estate, as that monarch owed him money! Being offended by Governor Everard, the worthy chirurgion armed himself with a sword and two pistols "loaden with powder and ball," wherewith he went in search of his adversary. Sir Richard disarmed him of his horse pistol, but he then resorted to a pocket pistol "and did continue to raise sedition & mutiny" till driven off by numbers. On being summoned to court, he increased his arsenal by the acquisition of a gun, and it was some time before the provost marshal could get him into custody. When his trial came off, he plead guilty and was released upon the payment of costs.\*

Even this did not close the list of Everard's quarrels, for he afterwards figured in another altercation, with John Lovick; and had to defend his house against a motley assemblage described by him as being composed of Major Joseph Jenoure, Thomas Betterly, Peter Osborne, Tom y<sup>e</sup> Tinker *alias* Cockram, Robert Robinson, Peter Young, Charles Cornwall, James Roe, Richards Robbins, a carpenter, two foreigners, a tall Irishman, and divers others, who, when commanded to depart, refused to do so, and struck one of the Governor's servants, breaking his head.†

In addition to his disputes within the colony, Governor Everard had to contend with enemies in England, who represented him as too much given to intoxicants.‡ Thereupon, the Provincial Council was requested to express itself as to the truth of this allegation, and unanimously declared that he had never come before the public "disguised in drink."

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\* Colonial Records II, 653, 710, 718, 824; III, 220, 223.

† Colonial Records II, 824.

‡ Colonial Records II, 724.

It is little to be wondered that, after a few years of experience with the civil discords of North Carolina, Sir Richard was even melted into expressing some sympathy for his old enemy, Burrington, who had undergone a similar ordeal. Such, indeed, is the tone of a letter written by him in 1729, in which he deplores his hard lot in being sent to rule so incorrigible a people, whose sole occupation in life seemed to be the abuse of their official superiors.\*

The only event of importance, which marked Everard's administration, was the settlement of the long disputed boundary question with Virginia, by commissioners appointed from the two colonies for that purpose.† Colonel Byrd's famous *History of the Dividing Line* gives a humorous account of the party's experiences; and a more modern discourse, from North Carolina's standpoint, will be found in the able address, delivered November 26, 1879, before the Historical Society, in Wilmington, by the Honorable George Davis, of that city.

When appointed Governor of North Carolina, in 1725, Sir Richard was somewhat advanced in age. In December, 1705, he had married Susannah Kidder, a daughter and co-heiress of the Right Rev. Richard Kidder, Lord Bishop of Bath and Wells, who was killed in his Episcopal Palace at Wells, by a falling chimney, during the great hurricane, in November, 1703. Governor Everard left four children. His sons, Richard and Hugh, both succeeded him, in turn, and died without issue, whereupon the baronetcy became extinct.

The younger Sir Richard, fifth baronet, was an attorney-at-law, while in North Carolina, and remained there after inheriting his father's title. He was a representative in the Provincial Assembly from Beaufort county, in 1739; and

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\* Colonial Records III, 19.

† Colonial Records II, 740.

from Bladen, in 1740.\* His death occurred two years later, on the 7th of March, 1742.

Sir Hugh, sixth baronet, succeeded his brother and resided for a time in Georgia, where he married, but left no issue.†

As to the Governor's two daughters: Susannah married David Meade, an American gentleman who will be mentioned later; and Anne became the wife of George Lathbury.‡ Of Mr. Lathbury and his descendants—if he left any—the writer knows nothing.

Governor Everard's family does not seem to have made a very favorable impression on the people of North Carolina, and his "pack of rude children who gave offence daily" were the objects of special complaint. The Provincial Council declared that he had set up a sort of Inquisition, and would order servants of the colonial gentry to appear at his house, where they were questioned upon oath as to whether any disrespectful remarks had ever been privately made, by their masters, concerning the Governor's household.§ In addition to his immediate family, the name of James Everard—possibly a relative—also appears in the records, as an attorney-at-law.¶

One charge, more creditable than the average in its nature, stated that Sir Richard was an ardent Jacobite, who

\* Colonial Records IV, 346, 493.

† So says Burke's *Extinct and Dormant Baronetage* (1844 edition), p. 190. The Secretary of State, however, writes from Atlanta, Georgia, as follows: "The name 'Everard' does not appear anywhere in the records of this office. If Sir Hugh ever came to Georgia, he never owned any land or held any official position." Though Burke gives 1745 as the date of Sir Hugh's death, it would seem that the title was thought to be still extant by Betham (in 1801) and by Kimber (in 1771), when those authors compiled their baronetages; for the works here mentioned, do not treat of extinct titles. Kimber speaks of Sir Hugh Everard as "the present baronet, who now enjoys the title and estate." Vol. I. p. 348. All three of these works refer to Sir Hugh as residing in Georgia, but neither Betham nor Kimber mention his marriage.

‡ Betham's *Baronetage* I, 369.

§ Colonial Records II, 660.

¶ Colonial Records III, 4. (As Richard, Jr., was an attorney, this name may have been erroneously entered for his.)

had figured in the Preston Rebellion of 1715, and desired to celebrate the Old Pretender's birthday (June 10th) in North Carolina.\* When the death of George I. was announced, he is said to have exclaimed, "Then adieu to the Hanover family, we have done with them!"

As heretofore mentioned, Everard's administration was brought to an end by the sale of North Carolina to the Crown, by the Lords Proprietors, in 1729. During that year, Burrington was again appointed Governor, but did not qualify until the beginning of 1731,† and Sir Richard continued in office for the space intervening.

After his removal, Governor Everard went to Nansemond, Virginia, and thence to England. At Nansemond, his daughter, Susannah, was married to David Meade, by whom she became the mother of seven children. They were:

I. David Meade, of Macox, in Prince George county, Virginia, who afterwards removed to Kentucky. He married Sarah Waters, only child of Col. William Waters, of Williamsburg, Virginia.

II. Richard Kidder Meade (an aide-de-camp, during the Revolution, to General Washington), who married, first, Elizabeth Randolph, daughter of Richard Randolph, the elder of Curles; secondly, Mrs. Mary Randolph, *nee* Grymes, widow of William Randolph, of Chattsworth, and daughter of Benjamin Grymes.

III. Everard Meade (an aide-de-camp during the Revolution, to General Lincoln), who married, first, Mary Thornton, daughter of John Thornton, of North Carolina; secondly, Mrs. Mary Ward, *nee* Eggleston, widow of Benjamin Ward, and daughter of Joseph Eggleston, of Egglestetton, in Amelia county, Virginia. The distinguished Revolutionary officer, Major Joseph Eggleston, of Lee's Legion, was Mrs. Meade's brother.

\* Colonial Records III, 4.

† Colonial Records III, 211.

IV. Andrew Meade, of Octagon, in Brunswick county, Virginia, who married Susannah Stith, daughter of Captain Buckner Stith, of Rockspring, in the same county.

V. John Meade, who died young.

VI. Anne Meade, who married Richard Randolph, the younger, of Curles.

VII. Mary Meade, who married Colonel George Walker.

It is not within the scope of this brief biography to give an account of Governor Everard's more remote offspring. From his grandchildren, just named, many of the most noted families in Virginia, Kentucky, and throughout the Southern States in general, trace their descent.

The marriage of Susannah Everard to David Meade, of Nansemond, is mentioned in *Betham's Baronetage*, and some of the other works on heraldry that we have had occasion to quote, and also in *Campbell's History of Virginia*,\* which contains the following:

"Andrew Meade, first of the name in Virginia, born in County Kerry, Ireland, educated a Romanist, came over to New York, and married Mary Latham, a Quakeress, of Flushing, on Long Island. He afterwards settled in Nansemond, Virginia, and for many years was burgess thereof; from which it appears that he must have renounced the Romish religion. He was prosperous, affluent, and hospitable. He is mentioned by Colonel Byrd in his Journal of the Dividing Line run in 1728. His only son, David Meade, married, under romantic circumstances, Susannah, daughter of Sir Richard Everard, Baronet, Governor of North Carolina. Of the sons of David Meade, Richard Kidder Meade was aide-de-camp to General Washington; Everard Meade aide to General Lincoln."

The same authority also says:

"The name of Richard Kidder is said to be derived from a bishop of Bath and Wells, who was from the same stock with the Meades of Virginia."

This personage will easily be recognized by the reader as Sir Richard Everard's father-in-law, Bishop Kidder, whose

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\* *History of Virginia*, by Charles Campbell (1860), p. 690.

death in the great cyclone has already been mentioned. To have called him an ancestor of the Meades would be more explicit. As David Meade was an only son of the family's progenitor in America, all members of the connection who bear the name, as well as many other of his descendants, are also descended from Governor Everard. But Andrew Meade also left a daughter, Priscilla, who married Wilson Curle, of Hampton, Virginia, and her descendants, of course, are not of the Everard stock.

During the Revolution it was Colonel Richard Kidder Meade's painful duty to superintend the execution of Major André. In recounting that tragic event to Colonel Theodorick Bland, junior, under date of October 3, 1780, he wrote: "Poor Andre, the British adjutant-general, was executed yesterday; nor did it happen, my dear sir (though I would not have saved him for the world), without a tear on my part. You may think this declaration strange, as he was an enemy, until I tell you that he was a rare character. From the time of his capture to his last moment, his conduct was such as did honor to the human race. I mean by these words to express all that can be said favorable of man. The compassion of every man of feeling and sentiment was excited for him beyond your conception."\*

Both Colonel Richard Kidder Meade and Major Edward Meade were original members of the Virginia Society of the Cincinnati.

In his well-known work on *Old Churches and Families in Virginia*,† the Right Rev. William Meade, late Bishop of that State, who was a son by the second marriage of Colonel Meade,‡ of Washington's staff, gives an account of the union

\* Bland Papers II, 34.

† Vol. I, Article XXIV, p. 292 (edition of 1872).

‡ Col. R. K. Meade left no surviving children by his first marriage. For the issue of his second marriage, see Memoir of Bishop Meade, by Bishop Johns, p. 10, note.

of his ancestor, David Meade with Susannah Everard, as follows:

"The God of Love was present at their first interview, and made them feel the effects of his disposition at the same moment. But there was a considerable lapse of time between their first meeting and marriage. Her father was Governor Everard, of North Carolina, then living with his family in Edenton, and was unwilling to leave his daughter in the wilds of America when he should return home. When about to sail—the ship in which they were to embark lying in Hampton Roads, then called Nansmond River—there was no other house at that time, convenient to the place of embarkation, at which they could be well accommodated but Andrew Meade's. To this they went; and, being detained some weeks by adverse winds, or other causes, the earnest entreaties of a most affectionate father, almost distracted with the thought of parting with his only son (who was determined to follow her) at length prevailed, and they were immediately married."

Here endeth the "Story of Susannah," and, with it, we close our account of the descendants of Governor Everard. In returning to the old baronet's personal history, little remains to be said. As his successor qualified on the 25th of February, 1731, Sir Richard probably left Virginia during the following Summer, though history fails to give us the exact date. His death occurred on the 17th of February, 1733, in London, two years after his retirement from office.

The *Daily Journal*, for Monday, February 19th, contains the following obituary:

"On Saturday morning at 6 o'clock, died at his house in Red Lyon street, Holbourn, Sir Richard Everard of Much Waltham in Essex, Bart: late Governor of North Carolina, descended from a very ancient family in the county of Essex. Sir Richard married Susanna, one of the daughters and co-heirs of Dr. Richard Kidder, formerly Bishop of Bath & Wells, by whom he has left two sons and two daughters, and is succeeded in his honours and estate by his eldest son, now Sir Richard Everard."

In its issue of Wednesday, February 21st, the *Daily Courant* says:

"On Tuesday, the corpse of Sir Richard Everard was conveyed from his late dwelling house in Red Lyon street, Holbourn, with great solemnity to be interred at Much Waltham, Essex."

At his old home in Essex, here mentioned as the burial place of Sir Richard, many memorials of the family were preserved, including recumbent effigies of Sir Anthony Everard and his lady, who lived in the sixteenth and seventeenth centuries. Among other persons of note, there interred, are also Sir Hugh Everard, Baronet—father of the Governor—who died in 1706, and Sir Richard Everard, Knight, who died in 1611.

Again reverting to North Carolina, it must be confessed that little good accrued to the province from Governor Everard's administration. He had been born and reared in the upper class of English society and was too far advanced in age to adapt himself to a change of situation. In a colony which required more than ordinary activity to develop its resources, he sought to preside with dignified ease; and, when aught unclean came "betwixt the wind and his nobility," dignity and temper, alike, were too quickly cast aside. But, before indulging in overmuch adverse criticism, we should remember the difficulties with which he was forced to contend. Though endowed with less patience than the average mortal, his trials and vexations were indeed sufficient to test the forbearance of a saint.

"So may he rest; his faults lie gently on him!"

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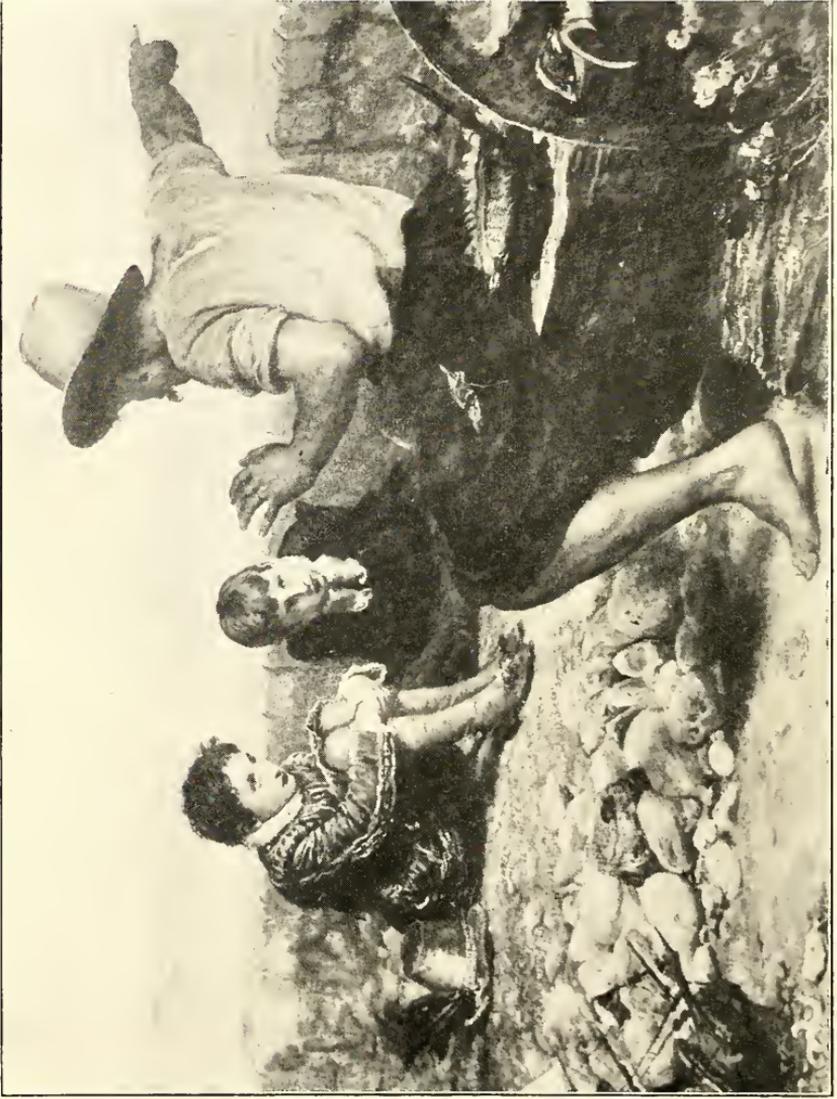
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THE BOYHOOD OF SIR WALTER RALEIGH  
*After a painting by Sir John Millais*

*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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OCTOBER, 1914

No. 2

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## Extracts from Remarks Delivered at Roanoke Island Celebration August, 1914

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BY DR. HOWARD E. RONDTHALEE

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The interest attaching to this historic spot may be thought to express itself in a three-fold direction: it is an interest in place, an interest in time, and an interest in people.

### THE PLACE.

Few spots could be found throughout the length and breadth of our land which would furnish a fairer and more striking setting for the wonderful scene which history has placed upon this fair island. There is here a rare combination of climate, soil, verdure, and expanse of sea which produces upon the visitor a lasting impression. As I looked over the deck of our steamboat last night just after sunset, when the shadows were beginning to gather around the promontory of this island, I rejoiced in the conviction that in all these centuries there could have been practically no change in this landscape, and that what we saw last night was essentially the same sight which greeted the eager eyes of Sir Walter Raleigh's Expedition 330 years ago.

I know of few places of historic interest where the natural features must have changed so little. Strange to say, this is largely true because the record of Roanoke Island and of Fort Raleigh is written in the sand. We have perhaps been taught that the rock with its flinty face is the most imperishable and changeless of monuments, and that the sand is a very synonym for shift and change. I venture to challenge this conception and to prove my claim. May I remind you that those are the most ancient mountains in our land which

have changed the most. Weathered by time and corroded by the passing of the years, the iron face of the rock suffers steady but certain modification, whereas, the sands of this island, showing as they do the actual bastioned outlines of Fort Raleigh, have preserved unchanged a record which, if built in stone, would long ere this have crumbled into ruin. In addition, the comparative isolation of this portion of Roanoke Island, and the density of forest just here, preserves for us intact every landscape detail as it was in the days of the first settlement.

In the introductory remarks and the hearty words of welcome to which we have just listened, you will have noted the genial allusion to the varied products of field, forest, vineyard and sea which have contributed always to making this a favored spot, and a place of comfort and attractiveness. It was, in a sense, on this very account that the early pioneers sought it out, for, if I have read their record correctly, they sailed during the last few days of the voyage guided rather by their nostrils than by their compass. May I recall to you the very words from the diary of Barlowe: "The second of July (1584) we found shoal water, where we smelled so sweet and so strong a smell as if we had been in the midst of some delicate garden abounding with all kinds of odoriferous flowers, by which we were assured that land could not be far distant."

It is probably difficult for us to fully appreciate the historic reach of this remarkable spot. In the span of three centuries it stands the very foundation of our civilization. When the first explorers climbed these sandy slopes, planted the British flag where we shall shortly fly it again, and built this fort upon the very spot where we are now met, the world, as we think of it to-day, was but little known, and beyond the continent of Europe and portions of the East, and certain islands of the sea, all other lands were unmapped, largely unknown, and barely, if at all, visited by even the pioneers of civilization.

It is not without significance that the spot selected for the first Anglo-Saxon settlement should be mid-way between the rigors of the North and the enervating influences of the extreme South. Here where we are gathered there is an extraordinary climatic condition, due to the proximity of the Gulf Stream, which gives this section, and notably this particular island, such a combination of favorable climate that if Sir Walter Raleigh had been furnished with every geographical resource of the present day, with a map complete in all details of the whole of Eastern United States, with a botanical survey of the Eastern States, and with a climatic report from the weather bureau, he could not have discovered anywhere along our coast any other spot whatever where all conditions are so extraordinarily combined in so favorable a degree.

When in years to come the settlement of Roanoke Island is everywhere recognized, as it undoubtedly will be, and this place is honored with those memorials which sooner or later our nation will place here, the visitor will continually rejoice, as do we to-day, in this rare blending of place and historic occasion and in this most favorable setting for the pioneer scene of American history.

#### THE TIMES.

It is of course difficult in the midst of these genial surroundings, when families have assembled from so many adjoining counties, when there are, I am told, visitors from so many distant points, and when we have already obtained promising glimpses of overlaid picnic baskets—it is, I repeat, difficult to achieve the historic reach of time which belongs to this particular spot. We must drop back, not one nor yet alone two, but even three and one-third centuries. We must think ourselves back into the days when the minds of men were engaged with dreams of heroic adventure, and when particularly the Englishman, inspired by Queen Elizabeth, was seeking to make himself the master of even the most distant lands.

Events happening in times so far remote are likely either to be so far removed from the thought and experience of present days that they cease to be living and real events, or else they are surrounded of necessity with so much historic obscurity that their very dimness of outline tempers the quality of our interest.

It is a matter of profound satisfaction that we are so excellently furnished with accurate data relative to the story of this island and that out of what is, at least for America, a most remote past, every detail is preserved for us with clear and clean-cut accuracy.

Happily the story of the settlement of Roanoke Island carries with it the marks of absolute accuracy, and we need not fear lest some day some more penetrating historian may be able to dismiss it as a myth.

It is absolutely true, therefore, that three and one-third centuries ago these very events which we are celebrating to-day transpired on this very spot, and every aid which will assist us to turn back our thoughts and re-people this island with its first settlers will serve to deepen our delight and interest in this remarkable page of American history.

Not alone the State of North Carolina, but the whole nation, owes a debt to this organization, namely, the Roanoke Island Memorial Association. Yonder memorial stones, appropriately modest and in quiet keeping with these forest surroundings, mark indeed the foundation stone in the story of the history of our nation. To us these days are our ancient history. From them we trace the growing story of our people and to them we must ever return when we seek the cradle of our nation's birth.

As in every movement which lies at the foundation of some enterprise, things, in themselves apparently small, often come to have great and lasting import. I stood the other day on a mountain ridge far to the west of us where a falling rain drop might by the divergence of a fraction of an inch

have its whole future course determined either into the Atlantic to the east or into the Mississippi to the west. So in the first moments of the history of our civilization a slight divergence of circumstance might, and probably would, have caused changes astonishing in their present import. Had not Columbus, over-persuaded by his sailors, and contrary to his own best judgment, swung his tiller through fifteen degrees of the circle, he himself would first have sighted land perhaps at this very spot, certainly not far from here, and the civilization which would have sprung up in the historic heart and gateway of the United States—for I take this spot to be the heart and gateway of our nation—would have been Spanish and not Anglo-Saxon, and the bloody story which characterizes the early history of Central America and Mexico would have been instead the strange story of our own land and country.

So, too, in these first beginnings 330 years ago, events, apparently insignificant, become momentous in their ultimate importance.

It is, I believe, within the bounds of historic fact to state that because of the mere breaking of a cable rope the ultimate story of the Roanoke Island settlement is destined to be forever shrouded in mystery.

I quote from Governor John White's diary of his fifth and last voyage, 1590, when he was returning to the colony he had left on this island:

"We came over against the north side of the island and sounded with a trumpet a call, and afterwards many familiar tunes of songs, and called to them friendly; but we had no answer; we therefore landed at day break, and coming to the fire we found the grass and sundry rotten trees burning about the place. From hence we went through the woods to that part of the island directly over against Dasamonguepeuk, and from thence we returned by the water side round about the north point of the island until we came to the place where I left our colony in the year 1586. In all this way

we saw in the sand the print of the savage's feet of two or three sorts trodden in the night; and, as we entered up the sandy bank, upon a tree, in the very brow thereof were curiously carved these fair Roman letters, C. R. O., which letters presently we knew to signify the place where I should find the planters seated, according to a secret token agreed upon between them and me at my last departure from them; which was, that in any way they should not fail to write or carve on the trees or posts of the doors the name of the place where they should be seated; for at my coming away they were prepared to remove from Roanoke fifty miles into the main. Therefore at my departure from them in Au., 1587, I willed them, that if they should happen to be distressed in any of those places, that then they should carve over the letters or name a cross (†) in this form; but we found no such sign of distress, . . . and one of the chief trees or posts at the right side of the entrance (to the fort) had the bark taken off, and five feet from the ground in fair capital letters was graven C R O A T A N without any cross or sign of distress.

. . . I was greatly joyed that I had safely found a certain token of their safe being at Croatan, which is the place where Manteo was born, and the savages of the island our friends.

\* \* \*

The next morning it was agreed by the captain and myself, with the master and others, to weigh anchor, and go for the place at Croatan where our planters were. . . . So then they brought the cable to the capstan, but when the anchor was almost a port the cable broke, by means whereof we lost another anchor, wherewith we drove so fast into the shore that we were forced to let fall a third anchor, which came so fast home that the ship was almost aground by Kendrick's Mounts; so that we were forced to let slip the cable, end for end. . . . Being thus clear of some dangers, and gotten into deeper waters, but not without some loss; for we had but

one cable and anchor left us of four, and the weather grew to be fouler and fouler; it was therefore determined that we should go to St. John or some other island to the southward for fresh water, and it was further proposed that if we could anyways supply our wants of victuals and other necessaries at Hispanolia, St. John or Trinidad, that then we should continue in the Indies all the winter following, and at our return visit our countrymen at Virginia."

Had therefore White's ship ridden out the passing storm of that night, he and his men would doubtless have landed shortly upon the mainland, and in a little while would have solved for all time the disappearance of the settlers, and would have written for us in clear characters the whole chapter in this strange and fascinating story.

#### THE PEOPLE.

These men and these women were English, and this flag which we shall soon hoist is the English flag, flown then as now over many lands and many seas. I have read with amazement the record of the personnel of this party of settlers. There were sailors; there were soldiers of fortune; there were sons of nobility; there were men of culture, students of literature and of the arts and sciences.

This little island was trod by the feet of a notable group of men whose names have left their wide and lasting imprint upon the world's civilization: Cavendish, the bold and distinguished sailor who circumnavigated the globe; Thomas Hariot, highly distinguished as a mathematician and scientist; John White, explorer, artist and scientist, whose maps and drawings still preserved furnish invaluable material for early studies in native American life, and the great Sir Frances Drake, destroyer of the Spanish Armada.

We must think today of the sturdy seamen who, with stirring triumph, first climbed these sand-hills and planted this flag. His successor to-day flies the English flag from the rising to the setting of the sun. I have thought this very week

how proudly would be stirred the heart of old Sir Walter Raleigh could he have read that calmly masterful declaration issued less than forty-eight hours ago when the Lord High Admiral of the English Navy declared to the world that the English flag had cleared the seas lying yonder to the east of us, and that traffic and travel were now safe from the Bermudas to the Arctic because the English Admiralty declared it so. They who first trod these island shores were the ancestors of the sea-loving Englishman of to-day.

When night falls on this quiet island it is perhaps easier to people these forests with the ninety-six men, seventeen women, and nine children of the past. But of all those whose vision hovers about us here, and whose memory we seek to honor on this Anniversary Day, there is one who is peculiarly enshrined in the very inner heart of the story of Roanoke Island.

If we stand in splendid admiration at the courage and high chivalry of those early men of pioneer endeavor, what shall we say when we think of that gentle woman, Eleanor, daughter of Governor White and wife of Ananias Dare?

Into her heart what thoughts of the quiet scenes of old England in the midst of these forest solitudes, what emotions must have strained her eyes when the last ship sailed homeward, and when the last tie had been severed with the old and beloved homeland? This foundation story in the history of our nation is a story of fearless men, of courageous women, and last and most of all it is the story of an infant child. Into the shadows of that night, Tuesday, the 17th day of August, into the stillness of this great and noble forest, into the loneliness of this isolated island there came that plaintive sound of which the poet Tennyson speaks:

"An infant crying in the night,  
An infant crying for the light,  
And with no language but a cry."

Where in all history of our land, yea and of other lands, is there a story which surpasses this in its appeal of natural

beauty, of heroic chivalry, of motherly courage and of shrouded mystery. The shrine of the new-born American nation, as we view it here, is indeed the shrine of an infant child, and in a sense, as was once the case centuries ago, we and succeeding generations ever stand with reverent awe about the birth-place of a little child, and in this spirit we read with tender interest on yonder simple granite stone these gentle words:

Near this place was born on the 18th of August, 1587,  
VIRGINIA DARE,  
The first child of English parents born in America—  
Daughter of Ananias Dare and Eleanor White, his wife,  
members of another band of colonists sent out by Sir  
Walter Raleigh in 1587.

## General Francis Nash

---

AN ADDRESS BY HON. A. M. WADDELL

DELIVERED AT THE UNVEILING OF A MONUMENT TO GENERAL NASH,  
VOTED BY CONGRESS, AT THE GUILFORD BATTLE GROUND,  
JULY 4, 1906

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*Mr. President and Gentlemen of the Guilford Battle Ground  
Company.*

LADIES AND GENTLEMEN :

An ancient maxim declares that Republics are ungrateful. We are to-day in the presence of a noble and enduring proof of its falsity. A great statesman declared that no monument ought to be erected to a public character until a hundred years after the period of his active services, for there could be no absolute assurance of their permanent value until the lapse of that time.

To this supreme test the public character and services of which I shall speak on this occasion have been subjected, and they have gained additional lustre in the alembic of the years. Those services ended, and he who performed them closed his earthly career more than a century and a quarter ago upon one of the battlefields of the American Revolution, and to-day we are assembled to witness the final execution of his country's long-declared purpose to perpetuate his memory by the erection of this solid and beautiful work of art.

Such a tribute by a great nation to an unselfish patriot, a brave soldier and accomplished gentleman who sacrificed his life for the establishment and maintenance of the liberties of his country, is honorable to it, and, if the dead be conscious of the deeds of the living, must be grateful to his spirit.

Little did he dream when death confronted him on that bloody field in Pennsylvania that, in the far distant future, on the ground where another battle was fought in the same cause, and within fifty miles of his own North Carolina home,

assembled thousands would witness the unveiling of a nation's monument to his memory. His only hope and aspiration, as his letters prove, was that his country would be victorious, and that he would soon return to his loved ones to pass the remainder of his days in the peaceful enjoyment of domestic life. The full realization of this hope was denied him, in common with many another hero and patriot who gave his life to the cause, but the larger hope prevailed, and his country triumphed. Great indeed and far-reaching was that triumph, for it revolutionized human history and established forever—at least among people of Anglo-Saxon origin—the doctrine of government by the people. There have been lapses in the practical enforcement of this doctrine, but it has always persistently asserted itself and will continue to do so to the end of time. It is our inheritance from which we can never be divorced, and for the priceless possession we are indebted to the heroic men who in an apparently hopeless contest of seven years duration finally forced its acceptance at the point of the bayonet and proudly proclaimed it to an astonished world.

The man with the blood of the American Revolution in his veins who can regard with indifference the career of any soldier of that struggle who gave his life for his country is unworthy of the privilege which he enjoys as an American citizen. If whenever that glorious era of the birth of liberty is celebrated, he does not feel a thrill of admiration and reverence for the men who by their valor and patient sacrifices made it immortal, he is a degenerate.

Some years ago an American statesman declared that the government of the American Colonies by George III was the best government then existing on earth, and he was right in his judgment, for there was no government on earth at that time which fully recognized the rights of the people, and the British government came nearer to it than any other. So much more honor to the American subjects of that government for their demand for the fullest rights and privileges of

British subjects, and, when these were denied, to assert the right of resistance to oppression. They began it in North Carolina long before the Revolution, and even after their open resistance to the Stamp Act in 1765 for nearly ten years they declared again and again—George Washington being a leader in such declaration—that they did not desire, or contemplate a separation from the British crown, but when finally driven to the wall they turned and deliberately declared themselves independent. The first Declaration of Independence was made at Charlotte on the 20th May, 1775, and the first instruction to representatives in the Continental Congress to declare for independence was given by the Convention at Halifax on the 12th April, 1776.

How these bold declarations were sustained by North Carolina people when the issue of battle was presented, is a story that ought to be made familiar to every school child in the State. The duty assigned to me today can only embrace a fragment of it, but that fragment covers a career of which every North Carolinian should feel proud.

A few miles below Farmville, in Prince Edward County, Virginia, and in the forks of the Appomattox and Bush rivers, there was in 1732 a large landed estate of more than 5,000 acres, which had been settled by a gentleman from Tenby, Pembrokeshire, South Wales, who from the time of his arrival in Virginia to the day of his death was prominent and active in affairs, both of church and State. The county of Prince Edward was a part of Henrico County prior to 1754, and therefore the earlier record of this gentleman is credited to the latter county.

He was presiding Justice of the county, and is said to have attended the sessions of the court in great state, with a coach and four, being received by the sheriff at the door very ceremoniously. He had been sheriff of Henrico County, and after the formation of Prince Edward County was the first member of the house from that county. He was associated with the leaders of the Colony and helped to build old St. John's Church in Richmond, where Patrick Henry after-

wards delivered his celebrated philippic, and in 1757 was appointed colonel of a regiment that was sent to protect the frontier against the Indians.

This gentleman, John Nash, before coming to America with his brother Thomas, had married Anna Owen, daughter of Sir Hugh Owen of Tenby, and he named his estate in the forks of the Appomattox and Bush rivers, "Templeton Manor," after the town of Templeton, near Tenby. On this estate he lived in the style and with the abounding comforts that characterized the life of a wealthy Virginia planter of that period, and there brought up the four sons, and four daughters who were born to him, all of whom personally, or in their children, reflected honor upon his name and their own. Indeed it may be safely asserted that there are few families in the country that produced, in proportion to their numbers, more distinguished men in civil and military life than his. The oldest of his sons, Col. Thomas Nash, married Mary Reade, and removed first to Lunenburg County and represented that county in the House of Burgesses and thence to Edenton, N. C., where he died in 1769, leaving an only daughter, Anna Owen Nash, who married in 1771 the Rev. John Cameron, of Petersburg, Va. Their children were Judge Duncan Cameron, of Raleigh, Judge John A. Cameron, of the United States District Court of Florida; Dr. Thomas Cameron, of Fayetteville, N. C., and William Cameron, of Ellersly, Orange County.

His second son was Col. John Nash, the second, who was a colonel in the Revolution in 1781, represented Prince Edward County in House of Delegates in 1778, was the founder and a member of the Board of Trustees of Hampden Sidney College, inherited the estate of Templeton by devise from his father, and died in 1803.

The third son of Col. John Nash, was Abner Nash, who, after succeeding his father as representative from Prince Edward, moved to New Bern, N. C., and was a member of the Provincial Congress at Halifax in the years 1774-'5-'6, which body appointed him, among other committees, on one to pre-

pare the constitution of the new State. He was an able lawyer, the first Speaker of the first House of Commons, and the second Governor of the State, 1779-'81, and a member of the Continental Congress, 1782-'86, and died in New York during the session of Congress, December 2, 1786. He was the father of the late Chief Justice Frederick Nash, of our Supreme Court.

And now we come to the fourth and youngest son of Col. John Nash (original owner of Templeton Manor) General Francis Nash, in whose honor this memorial arch has been erected.

Like his brothers Thomas and Abner, he too removed to North Carolina, but selected his residence in a different part of the State—Hillsborough—a town which even then had begun to be historic. He came there a young lawyer seeking his career, and soon made his mark. He had never held any office, but some time after settling there he was appointed Clerk of the Superior Court of Orange County, and also a Captain under the Crown. He commanded his company in the battle of Alamance in 1771, and his steady conduct attracted attention. He was a member of the Provincial Congress that met at Hillsborough in August, 1775, and was elected by that body September 1, 1776, Lieutenant-Colonel of the First Regiment of the Continental Line, of which James Moore was elected Colonel.

That regiment, with the militia under Caswell, Lillington and others, won the first victory of the Revolution at Moore's Creek Bridge, February 27, 1776. Colonel Moore having been appointed brigadier-general immediately after that fight, Nash became colonel, his commission dating from April 10, 1776. On the first of June, Sir Henry Clinton's fleet with Cornwallis's forces, left the mouth of the Cape Fear for Charleston, and immediately the first and second regiments under General Moore started for that place, arriving on the 11th. The British fleet opened fire on Fort Moultrie on the

28th of June, and Cornwallis's troops tried to land, but were beaten off by Colonel Thompson's South Carolina Rangers and a battalion of two hundred picked men from Nash's regiment under Lieutenant-Colonel Clark, and these North Carolina troops received high praise from the commanding general (Charles Lee) for their conduct.

After the defeat of the British the North Carolina regiments were concentrated at Wilmington, where they were rigidly drilled and disciplined until about the middle of November, at which time they were ordered to the North to re-enforce General Washington's army. They marched as far as Halifax on the way, but were kept there for three weeks, and were then counter-marched to the vicinity of Charleston again to meet another threatened attack by the British, who were near St. Augustine, Florida. On the 5th of February, 1777, Colonel Nash was promoted to the rank of brigadier general, and assumed command of the brigade.

The States of Georgia and South Carolina were endangered, and because of the urgent request of those States the North Carolina troops were kept for their defense until March 15, 1777, when they were again ordered to join General Washington, who was retreating through New Jersey with great loss, and in extreme danger. They resumed their former route, passing through Wilmington, Halifax, Richmond, Alexandria and Georgetown to Philadelphia. Their splendid reputation had preceded them, and the result was that their march through Virginia and Maryland was a succession of enthusiastic receptions by the people.

After a few days stop in Philadelphia, some of the regiments arrived at Washington's camp at Middlebrook, New Jersey, about the last of June, 1777. The brigade was held at Trenton for about ten days in July, and from there General Nash wrote one of the two or three letters of his that are still in existence. It was a letter to his wife dated July 25th, and shows that he was thoroughly competent, and understood

the strategy of the commander-in-chief, although they were both at that time uncertain as to the British commander's real point of attack. -"When I left Philadelphia, which was a week or ten days ago," he says, "I expected that we should have proceeded directly to headquarters. However, I received a letter from General Washington directing me to remain at this place until further orders, under a supposition that the late movements of the enemy might probably be only a feint in order to draw our army as far to the north as possible, and then by a forced march endeavor to gain Philadelphia, before the necessary succor could be afforded. In which case, we being directly in their route, should probably have it in our power to retard their progress, until our army could get up with their rear. However, from some accounts received this morning (to-wit, that a considerable part of their fleet had been discovered moving up the North River), I think there cannot remain a doubt that their operations are intended against that quarter. General Washington, in consequence of this intelligence, has moved with his whole army within twenty miles of Fishkilns, about one hundred miles from hence, where he means to remain until the designs of the enemy are reduced to a certainty. I have been re-enforced since I came here by one regiment of Virginians and an artillery corps with six brass field pieces, making the strength of my brigade, in the whole, about 2,000."

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"This morning for the first time I have seen a general return of the state of our army, and it is with pleasure I inform you that we have now on the field, of continental troops, effective, upwards of 20,000, exclusive of those in Canada, which I suppose amount to 4,000 or 5,000 more; add to this a most admirable train of artillery, and 700 Light Horse equal at least to those of the enemy in discipline, equipage and everything else, is it possible with such an army and a Washington at their head that Americans can have

anything to fear? No, dear Sally, I now feel the fullest assurance that can be founded in human events, that nothing less than the immediate interposition of Providence (which I will not suppose to be excited in favor of tyranny and oppression) can prevent us from the invaluable blessings of liberty, freedom and independence. With these assurances I rest satisfied, with the blessing of Heaven, of returning to you ere long crowned with victory, to spend in peace and domestic happiness the remainder of a life, which, without you, would not be worth possessing."

This accession of force, so greatly needed and longed for by Washington, not only served to stop his retreat, but stimulated him to assume the aggressive against his opponent, Sir William Howe, who had embarked his forces by water to the head of Elk, in Maryland, with the intention of moving on Philadelphia. Washington and Howe fought at Chadd's Ford on the Brandywine, September 11, 1777, and Howe won the battle and took possession of Philadelphia. The North Carolina troops at Brandywine had to oppose the flanking movements of Lord Cornwallis, and although compelled with the rest of the division to retreat, they did so not only in good order, but with repeated attacks on the enemy, and they aided in bringing off the field the artillery and baggage of the division to which they were attached.

In less than a month after Brandywine, namely, on the 4th of October, 1777, the battle of Germantown was fought, in which Nash led the North Carolina troops. They behaved splendidly and won great praise from Washington. They were in the reserve force under Major-General Stirling, and were thrown into the attack on the right. General Nash was leading them into action down the main street of Germantown, when a round shot shattered his thigh, killing his horse and throwing him heavily to the ground. He tried to conceal the extent of his hurt by covering the terrible wound with his hands, and cheered on his men, saying: "Never mind me. I

had a devil of a tumble; rush on, my boys; rush on the enemy; I'll be after you presently." But he was mortally wounded, and was carried to a private residence, where after lingering in greatest agony for three days, he died on the 7th of October, 1777. His last words were: "From the first dawn of the Revolution I have been ever on the side of liberty and my country." He was buried in the Mennonist graveyard at Kulpville, with military honors, and General Washington issued the following order for the funeral:

"Headquarters, Toamensing, October 9, 1777.

"Brigadier General Nash will be interred at 10 o'clock this forenoon, with military honors, at the place where the road where the troops marched on yesterday comes into the great road. All officers, whose circumstances will admit of it, will attend and pay this respect to a brave man who died in defense of his country.

"GEORGE WASHINGTON."

The shot that killed him also killed his aide, Major Wither-  
spoon, and was a stray one fired by a retreating enemy who had been driven for two hours or more, and were, as they themselves supposed, hopelessly defeated, when an accident saved them, and reversed the situation. There was a heavy fog and no breeze to dispel it or the smoke from the guns which so completely enveloped the field that it was impossible to see more than fifty yards. Two of the American columns mistook each other for the enemy, and each thought the other a re-enforcement with which it was unexpectedly confronted, and so, as Washington expressed it: "In the midst of the most promising appearances, when everything gave the most flattering hopes of victory, the troops began suddenly to retreat, and entirely left the field in spite of every effort that could be made to rally them." In the same letter, however, he says: "In justice to General Sullivan and the whole right wing of the army whose conduct I had opportunity of observing, as

they acted immediately under my eye, I have the pleasure to inform you that both officers and men behaved with a degree of gallantry that did them the highest honor."

More than once he referred to the death of General Nash as a deplorable loss to the army and to the cause for which he fought, and letters from the most distinguished citizens of the State and country, and newspaper articles on the subject justify the belief that General Nash was very highly esteemed as a soldier and gentleman, and that both in his military and civil life he won the affections of his associates by his generous and unaffected conduct. Thos. Burke, then a member of Congress, and afterwards governor of the State, writing to Governor Caswell, says he was "one of the best, the most respected and regretted officers in the Continental Army," and Governor Caswell himself said that he "left no equal among the officers who survived him."

George Washington Parke Curtis, in his "Recollections of Washington," speaking of General Nash's death and burial, uses the following language: "He lingered in extreme torture between two and three days and died, admired by his enemies—admired and lamented by his companions in arms. On Thursday, the 9th of October, the whole American army was paraded by order of the commander-in-chief to perform the funeral obsequies of General Nash, and never did the warrior's last tribute peal the requiem of a braver soldier or nobler patriot than that of the illustrious son of North Carolina."

Many traditions of his physical comeliness, especially when mounted, have been preserved among his descendants, and one in particular I remember as told to me by a venerable man who said that one of General Nash's soldiers told him that the general was the handsomest man on horseback that he ever saw. Colonel Polk, who was one of his officers, was fond of reciting his attractive qualities, and (as another venerable gentleman told me), when describing the wound that crushed

his leg, invariably concluded his eulogium by saying, "and he had the finest leg that was ever hung on a man!" But his physical beauty seems to have been only the complement of his moral and intellectual attributes, for he was one of the most enlightened, liberal, generous, and magnanimous gentlemen that ever sacrificed his life for his country.

And here it may not be inappropriate to record an incident of minor importance, but of some interest in connection with the events occurring on this battlefield of Guilford Courthouse and with which the name of General Nash is associated. The incident is one which rests on a family tradition and is as follows: Judge Maurice Moore, his father-in-law, had imported from England a thoroughbred horse named "Montrose," and a mare called "Highland Mary," and had given to General Nash their colt, a splendid bay named "Roundhead." When General Nash went into the army he left this favorite horse at his residence in Hillsborough, and during his absence David Fanning, the Tory leader, made a raid on Hillsborough and stole the horse. After Nash's death his body servant Harry, who was with him at Germantown, where he was killed, came home, and at the urgent request of General Wm. R. Davie, who had been made commissary general, was turned over to him as his servant. Harry had been distressed at the loss of his master's favorite horse, and at the battle of Guilford Courthouse he had suddenly exclaimed: "Look yonder at that officer riding Roundhead!" The officer was Lord Cornwallis, and very soon after this the horse was killed under him. Cornwallis had two horses killed under him that day, according to all accounts, and some say three. The tradition to which I refer says the servant Harry not only recognized the horse at first, but after he was shot went to him and identified him. The faithful servant saw his master killed four years before in Pennsylvania by the British, and now within fifty miles of his home witnessed the death of his favorite horse on this battle ground by the

Americans, who were shooting at his rider, the commander of the British army.

General Nash married Miss Sally Moore, daughter of Judge Maurice Moore, and sister of Judge Alfred Moore, afterwards of the Supreme Court of the United States, and had only two children. These were girls, the elder of whom, Ann, died at the age of 13, and the younger of whom, Sarah, married Mr. John Waddell, a rice planter on the lower Cape Fear River.

Some time after his death his widow married Gen. Thomas Clark, who had succeeded him as lieutenant-colonel and finally as brigadier-general in the Continental Line, but they left no children.

One month after General Nash's death the Continental Congress, on the 4th of November, 1777, expressed its appreciation of the heroic services he had rendered, and directed that a monument should be erected to his memory. The resolution of Congress was in the following words:

“Resolved, That His Excellency, Governor Caswell, of North Carolina, be requested to erect a monument of the value of \$500 at the expense of the United States in honor of the memory of Brigadier General Francis Nash, who fell in the Battle of Germantown on the 4th day of October, 1777, bravely contending for the independence of his country.”

That resolution remained unexecuted because the State of North Carolina was then, and for some years afterwards, engaged in a life-and-death struggle for self-preservation, and had no time to expend in the erection of monuments to her heroes. No monuments were erected, so far as I know, either by the general government or any State until long after the Revolution was ended, and therefore no blame could be justly attached to our State for not complying with the resolution at that time.

But the patriotic spirit of a stranger to our State and people, John F. Watson, Esq., of Philadelphia, prompted him

seventy years ago to induce the citizens of Germantown and Norristown to erect a monument over the grave of General Nash, which was done, and for this deed his name should be gratefully remembered by every true North Carolinian.

There have been persistent efforts for fifty years to have this resolution of Congress carried into execution by Congress, but from different sources opposition has with equal persistency interposed until these efforts ceased, from sheer desperation, to be made. But the patriotic Society of the Cincinnati, when re-organized in North Carolina, took charge of the matter, and from their meeting in 1896 annually pressed it upon Congress through the senators and representatives from our State until 1903, when the bill was passed making the appropriation asked for. It would be an act of injustice, however, while accrediting the Society of the Cincinnati and the North Carolina senators and representatives fully with their action, not to record the fact that by his unremitting labors and fortunate acquaintance with leading senators and representatives from all parts of the country, the chairman of the committee of the Cincinnati, Col. Bennehan Cameron, is entitled to a larger share of credit for this legislation than any other individual, and it gives me great pleasure to make public acknowledgment of the fact. After a careful examination of the whole history of these efforts and their final success this award of merit to Col. Cameron as the chief instrument in accomplishing the result cannot be justly withheld. And in this connection I wish to say that the design for this noble arch and its construction is attributable to the skill and taste of another North Carolinian, Capt. R. P. Johnston, of the Engineer Corps of the United States Army, who gave much time and care to the work, and has just reason to be proud of its final accomplishment.

Of course it goes without saying that in all these efforts to secure this monument the devoted and patriotic President of the Guilford Battle Ground Company, Major Morehead, has

been an indefatigable and active ally of the Cincinnati\* and of the senators and representatives of our State, and that his services in that behalf merit and should receive the fullest recognition. It was only in keeping, however, with his whole record as president of the company to which he has unselfishly devoted so large a part of his time for some years past.

And a nobler work these gentlemen never did, for from his first appointment as lieutenant-colonel to the time of his death, General Nash enjoyed the confidence of all his superior officers and the affection of the soldiers under his command to a remarkable degree. His career was a brief, but brilliant one, and ended on the field of glory, when he was only thirty-five years old. It is unquestionably true, and therefore just, to say that there was no officer of the American Revolution who acquired in the same period a more solid reputation for soldierly qualities, or who died more universally regretted than he, and that therefore his country for which he willingly gave his life has never erected a monument to a Revolutionary hero and patriot that was more richly deserved than this which has been unveiled to-day.

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\*NOTE.

We concede the right of private opinion, of course, and we appreciate the speaker's very complimentary words gracefully spoken of us. But since after its usual custom these unveiling ceremonies were held upon its grounds by the Guilford Battle Ground Company, and since this pamphlet is edited and published by the company, silence here would be construed into acquiescence in the opinion here expressed, from which the company emphatically dissents. The Continental Congress voted appropriations for monuments to Generals Francis Nash and William Lee Davidson which were never erected. In 1841-'2 the late Governor W. A. Graham, then senator in Congress from North Carolina, and in 1888 Senator Vance, we are told, and in 1896 the North Carolina

Society of the Cincinnati, endeavored to revive these appropriations, but failed in their efforts, and the inference is that a pursuance of the same method and advancement of the same arguments would have continued to fail. But in 1902 the Guilford Battle Ground Company furnished the Hon. W. W. Kitchin arguments and considerations which enabled him—to whom beyond all others merit is due for work done in Washington—to secure the appropriation by a two-thirds majority in the house, where a majority could never be secured, though attempted for sixty years. This was effected, too, over the objection of Speaker Cannon and his active opposition. Mr. Kitchin told the House that the Battle Ground Company (or Association as it ought to be called) of North Carolinians had purchased, redeemed, beautified and adorned the famous Revolutionary Battlefield of Guilford Court House; that in its poverty it was continuing its struggle of fifteen years for its continued adornment, and that Congress should therefore, among other reasons, vote the appropriation and place the monuments at Guilford. Mr. Kitchin was then addressing many members of Congress who knew that thus to aid the Battle Ground Company was not only to honor North Carolina's noble dead, but that it was also to make of this battlefield for all time, a monument to troops for their respective States who fought here under Greene in 1781. This two-thirds majority illustrated the difference in effect upon Congress between the mere introduction of bills and resolutions and the reclamation, after vast toil and expenditure, of this famous battlefield.

The resolution, as adopted, placed the disbursement of the funds, erection of the monuments, etc., in the hands of the Secretary of War, who should, however, act jointly with the Governor of North Carolina "in the selection of a location for the said monuments." The authority was soon placed by the Secretary of War in the hands of Hon. C. B. Aycock, the then governor, exclusively, and very soon a bitter contest arose

before the governor between the Society of the Cincinnati and the Battle Ground Company—the Cincinnati desiring to locate the monument elsewhere than on the Guilford Battle Ground. Full evidence as to who secured the appropriation, and whose wishes were therefore entitled to prevail in their location, was laid before the Governor, the legally constituted and final authority in the matter, and after patient, painful, conscientious consideration, the Governor put them at Guilford, where they now stand.

The supposed influence of Colonel Cameron, Chairman of the Committee of the Cincinnati, is here ascribed to his acquaintanceship with different members of Congress, and in this connection we have heard the name of Senator Wetmore, of Rhode Island, mentioned specifically. We now re-publish and append two letters which show that the company had its representative in Washington; that he labored among influential members, and that his labors were effectual:

## UNITED STATES SENATE.

WASHINGTON, D. C., Feb. 24, 1903.

DEAR SIR:

Since receiving your letter of February 16, I have conferred with Senators Pritchard and Simmons, as well as Mr. W. W. Kitchin, and find that all are in favor of erecting the statues of Generals Nash and Davidson on the Guilford Battle Ground. I have today addressed a letter to the Secretary of War, a copy of which is herewith transmitted, enclosing your letter to me on this subject.

Very truly yours,

GEORGE PEABODY WETMORE.

Colonel Joseph M. Morehead,

Greensboro, N. C.

## UNITED STATES SENATE.

WASHINGTON, D. C., Feb. 24, 1903.

DEAR MR. SECRETARY:

I desire to call your attention to the enclosed letter dated February sixteenth, addressed to me by Colonel Joseph M. Morehead, President of the Guilford Battle Ground Company, who, during the consideration of the bill for the statues of Generals Nash and Davidson, both in the House and Senate, manifested the greatest interest in it. You will notice that he is very much exercised lest another site be chosen than the Guilford Battle Ground. I have conferred with Senators Pritchard and Simmons, of North Carolina, as well as with Mr. W. W. Kitchin, member of the House from that State, who all agree that the statues should be erected on the Guilford Battle Ground. I might also add that the Guilford Battle Ground was the only place mentioned when the bill was under consideration in the House.

Believe me,

Very sincerely yours,

GEORGE PEABODY WETMORE.

Hon. Elihu Root, Secretary of War.

JOSEPH M. MOREHEAD,

*President Guilford Battle Ground Company.*

## Early English Survivals on Hatteras Island

BY COLLIER COBB

Notwithstanding the uniformity of American life, which has impressed the European visitor to this land as our country's most serious drawback, there are still a few secluded spots, isolated land areas around the borders of our continent, whose inhabitants have escaped the blighting influence of predigested breakfast foods, Associated Press dispatches, syndicated stories, trust made school books, and that great destroyer, the schoolmaster.

Physiographic features here present such uniformity over vast areas that the few unique spots of land which might produce inhabitants of varying types are set apart as state or national parks, or forests, to be used as playgrounds for the people. Even the mountain section of North Carolina, which Southerners are fond of calling "The Switzerland of America," probably because it possesses not one feature of Swiss scenery, has become thoroughly modernized and Americanized, and there is not another town of its size in our country so thoroughly cosmopolitan as Asheville, our mountain metropolis, has become during the last two decades. The arts and crafts of the mountains had practically disappeared during that time, and had to be taught anew to the women of the Biltmore estate, whose mothers and grandmothers, less than a score of years ago, were skilled weavers of exquisite tapestries.

In a land where journeys are made from the plains of the interior to Longwood or Atlantic City for a summer's outing, or from Carolina to the geysers of the Yellowstone for a fortnight's holiday, and all this with as much ease and comfort as staying at home, there is little left but the monotony of American life that so deeply impressed Mr. James Bryce when he was writing his "American Commonwealth."

The sand reefs of the North Carolina coast before the advent of motor boats in that region just a decade ago, afforded a large measure of seclusion, and that safety which comes from isolation, safety from the incursions of tourists and pleasure seekers, and from exploitation by magazine writers.

The most interesting of these reefs was then three days' journey from almost any point, but when you had made the journey you had gone back three centuries in time. Though known to every one by name, and dreaded by all seafaring men as the graveyard of American shipping, hardly a score out of our eighty millions of population had ever set foot on this island. Even all the fingers of one hand were not needed to count the dwellers on the mainland who were personally acquainted with this dangerous sand-reef and its mild-mannered people. To most men it is a sort of world's end, as indeed it has been to many a poor mariner; and even to the few who know it best it is a veritable foreign land at home.

Hatteras Island is an elbow-shaped sand-spit, forty miles in length measured around the elbow, and from half a mile to five miles in width. It lies along the very border of the continental shelf, a hundred miles beyond the normal trend of the coast, and almost within the Gulf Stream. It occupies the center of the quadrangle made by the parallels 35 degrees and 36 degrees, north latitude, and the meridians 75 degrees and 76 degrees, west longitude.

The geological history, physiographic features, and climatic conditions of this island have been made a subject of special investigation by the writer for something like a score of years. But since geography is a study of the earth as man's physical environment, and geology a study of the earth as a field for the development of organic life, the geologist must of necessity have an interest in the influence of environment on the human organism. The purpose of this paper is to deal with this human interest in one of its phases, the influence of isolation as it shows itself in the preservation of old English words and

the ancient forms of speech once common to our group. On this island, in spite of Nature's changes, with all her storms and buffetings, we find words in daily use that have never here drifted from their mediæval moorings.

When I reach any point on the island, my friends who have not seen me land invariably ask: "How did you come? Did you come in a boat, or did you travel?" *Travel*, in this case, means to walk. Once I was told that I could reach a certain sand dune by traveling about two acres, across a palmetto swamp, an *acre*, in this case, being a furlong, or eighth of a mile, an old English use of the word.

"How do you go home when you get to the country? Do you go by boat up the river, do you go by train, or do you travel?" I was asked by a man who knew my fondness for walking. "I do not know what I should do if we lived in the country where we could not hunt or fish, for I had rather starve than have my husband dig potatoes," one good woman said to me. By *country* they mean the mainland opposite the island, this woman explaining it to me as, "some such place as North Carolina, or even New York, or Norfolk, or Raleigh, or Chapel Hill; anywhere off The Banks," meaning by *The Banks*, the line of sand reefs along the North Carolina coast, and using the word *country* very much as Britishers would say "the continent." On The Banks, then, a traveling salesman would be a tramp peddler.

Now this use of *travel*, as meaning to walk, to move along on foot, was common in England in the days of Queen Elizabeth, and I have found it used several times in Hakluyt's *Voyages*. It is used with a somewhat different pronunciation, but in exactly the same sense, to-day, in corners of Ireland, of Yorkshire, and of Scotland. I have never met with this use of the word in North America except on Hatteras Island; though among the Sioux Indians of the North and Northwest there is in use a kind of trailer made of two lodge poles attached to a horse, like shafts, having a sack of skins lashed

to the cross-bars behind the horse, and used for carrying goods, or for sick or wounded persons. The Indian name for this vehicle is *travay*, but the word used in this way is more nearly related to working than to walking.

This Hatteras Island use of *country* is the original use of the word, as meaning the "land opposite." It occurs in this sense to-day nowhere else, so far as my observation goes. *Continent* is used for the mainland on some of the islands farther north, as on Martha's Vineyard, Massachusetts. The lady who used *country* in this way had been but recently married, and the bridegroom had furnished the trousseau, an ancient custom that prevails to-day nowhere else in North America, and one that is falling into disuse here.

I have always taken a kodak with me when visiting the island, and the chief pleasure derived from its use has been the taking of pictures of my friends there. On one of my early visits to Hatteras a young man asked:

"Won't you make a picture of my *may* and me?"

"I'll be delighted to," I replied; "but what does your lady-love look like?"

"You may not think her pretty, but she's a *couthy* girl, and *canty* too."

Here were words I had never heard before, but I soon came to understand their meaning, after I had met many of the island people who were "couthy women and trusty men." I have often met the word *may* in old English love songs, meaning a maid, a fair woman, a cousin, a sweetheart. It is used most often as meaning maid, of which it is really a contracted form, and dates back to the middle of the fourteenth century or beyond that time.

*Couthy*, besides meaning tender, sympathetic, motherly, as applied to these good women, or affable, pleasant, agreeable, like a familiar friend, has another meaning, which is well illustrated by the statement, "Will Watkins looked so kind and couthy-like to Lucy Lowe."

*Canty* means merry, brisk, lively, as in the old couplet,

A cozy house and a canty wife  
Keeps aye a body cheerly.

*Cant* was the first form of this adjective, and *trusty*, of course, means trustworthy. This is a use familiar to us.

I promised to meet the young people at nine o'clock the following morning to make the picture. At nine the young fellow came alone. When I asked why he had not brought the lady, he said: "She scooped me," meaning that she had got the better of him, run away from him, scampered off at the last moment. "And," he added, "she could fleech you, young man." *Fleech* is from the French, *flechir*; it passed into Middle English, as *to bend*, then to *flatter*. Here again were words that I had never heard before; but I found that he meant she could flatter me into loving her, and then run away from me. Nothing so remarkable about that girl after all!

Another time the young man described her to me as *smicker*. I took it to mean that she was neat in her person and elegant in her manners, as he did mean, and rightly; but his friend told me that it really meant that "she was soft on him." What a strange mixture of mediæval English and modern slang! I inadvertently mentioned the young man's name to the lady's mother, who said, "Oh, he scunners me," meaning "He disgusts me," which would seem to be a causative use of what meant "to loathe."

Here a kelpie is a water-sprite, an animal of the sea, a water-dog of some kind. "A kelpie is a sly devil; but you might possibly catch one, for he always roars before a storm at sea." A Hatteras man looking on a seal in a Norfolk park told me he had never seen a kelpie, but he imagined that a seal looked very much like one; and all along this coast kelpie is a common given-name for a dog, especially for a water spaniel. In the Scotch he appears to be more like a horse, and foretells drowning.

All of the words mentioned so far are found in old English or Scottish ballads, and several of them occur in one of the three mermaid songs heard occasionally along The Banks. These songs are now rarely heard except from the older women, and they seem ashamed to be caught singing them. It has been with the greatest difficulty that I have ever persuaded them to repeat the words of an old song for me while I took it down from their dictation.

I have constantly met with other words in the speech of these good people, which I was inclined to regard as careless or slovenly pronunciations, believing that "indolence doth much corrupt our language." In this class I place the pronunciation of words with the omission of certain letters; as, daugher (daughter), waer (water), buer (butter), leer (letter), and a host of others; faute (fault), fause (false), wanut (walnut), plead (pleased); others of unusual pronunciation, as trod (trot), throoked (thronged), leuch (laugh), birk (birch, sixteenth century form), egal (equal, like the French), thoct (thought, Scotch spelling, O. E.), sweet (sweetheart), fant (infant), wonders (wondrous), wharrel (quarrel, in Middle English, but French in origin), know (knoll), fole (fool); and others whose origin is not so evident, as throddy (plump), sleek, in good condition, as applied to a steer or to a mullet; cracker (boaster, cf. Burns and our "cracking jokes"), in which case Mr. Roosevelt's "crackerjack" would not be a "bully chap," but a boasting clown.

There are other words in which there seems to be the insertion of a letter; as bloast or bloust for brag, and still others with which we are familiar, but used here in an unfamiliar sense, as blabber, "a great blabber" meaning simply a great chatterer (goes back to fourteenth century and miracle plays); bloater, a chubby child; cant, gossip; cap, surpass, in "I can cap you at that," or "I can cap your story," like our "cap the climax," or the game of "capping verses"; accord, agree, in "Let's accord before we eat."

Abash means bring discredit on, and was used by a student from the coast in a speech made in a literary society at the University of North Carolina, in the sentence, "Shall we abash our national honor?"

Abrade may mean to sicken or nauseate: as "Cornbread and fish abrade his stomach," said by my hostess when I was really sick from too much tramping over dunes in an August sun.

Many of the words in my list are used with meanings other than those we now associate with them. *Fause* means a tidal creek or a ditch, as well as false. *Wanut*, used in warnit-know and warlock-knot, means a knot in timber or a particular knot in a rope, a very tight knot, and it is also used as a verb meaning to tighten, as the rope in rigging. *Birk* also means a smart young fellow, one who needs the birch, no doubt; and an interdune area, wet and grown up with aspen or cottonwood switches, was described to me as *birky*. *Birkie* in old Scotch has this meaning, and the verb *birk* in Scotland means to answer sharply. In the broadest part of the island near Buxton there are *knows* of sand covered with tall pines.

These words may be mere slovenly pronunciations, but if they are due to mere indolence, it is an indolence that affected our ancestors when they were laying the foundations of the English language, as many of them date back to the age of Chaucer; and they show as diverse origins and as fine a blending of different characters as the Englishman himself. Some of these pronunciations are natural musical variations.

In a Methodist church at Kinnakeet, on Hatteras Island to the north of the Cape, a young mother nursing two children sung to them a mermaid's song,

Follow, follow through the sea,  
To the mermaid's melody,  
\* \* \*

the tune harmonizing very well with that of the hymn,

Come Thou fount of every blessing,

which the congregation was singing. This was in 1895, and yet the tune was essentially the same as that of Ariel's song in *The Tempest*,

Full fathom five thy father lies,  
Of his bones are coral made—

\* \* \*

sung in the days of Queen Elizabeth, and the music written out in the middle of the seventeenth century by John Banister. I have also heard Rosalind's Madrigal (1590) sung from the rigging of a ship, the sloop *Loreda*,

Love in my bosom like a bee,  
Doth suck his sweet;  
Now with his wings he plays with me,  
Now with his feet.

\* \* \*

In the third line the singer said "he tickles me" instead of "he plays with me."

But the question naturally arises: How came this Elizabethan and other English here? In any one of several ways, or in several different ways. There are strong reasons for believing that the lost colony of Roanoke fled to the protection of its friends, the Hatteras Indians. This question was discussed by the writer many years ago. Then there are records of wrecks off Hatteras from 1558, when a ship was cast away near Secotan, manned by white people, and some of its crew preserved by the natives, and 1590, when Captain Spicer, Ralph Skinner, Hance, the surgeon, and others, eleven all told, were washed overboard from the ship of Raleigh's adventurers, to the present time, when many of the inhabitants of the island are there because their forefathers were wrecked there and preferred to remain on the island and make it their home. The language of the island, particularly the older forms of speech found there, is that of the better classes, or at least the middle classes in England in the days of Queen Elizabeth. The Raleigh voyagers having counted among their number gentlemen adventurers from all parts of the kingdom, it is not difficult to imagine that these forms were introduced by them.

The fact is interesting in itself, however we may account for it, and it will soon be a thing of the past, as the traveler and the tourist, the schoolmaster and the trader, are fast making even Hatteras like the rest of the world. The writer's acquaintance with the island began in his early childhood, and he has noted greater changes in the speech of the people since the coming of the daily mail in motor boats, just ten years ago, than he had observed in the preceding thirty years, and the songs of the mothers and the grandmothers are well nigh forgotten by the daughters.

JANUARY, 1910.

## The Weather

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BY COL. R. B. CREACY.

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Of all things terrestrial the weather is the most fickle, variable and uncertain. The wind bloweth where it listeth, and no man knoweth whence it cometh, or whither it goeth, said the inspired writer, and the wind is the most potent factor in the government of the weather. The weather prophet is often an object of derision, and the weather bureau, one of the most expensive pets of the government, as often contradicts as it confirms its predictions.

The seasons come and go, spring follows winter, and summer spring, when one season differs from another—and winter sits smiling in the lap of spring, men put on their overcoats and cry out aghast, “they never saw the like.”

But yet in the ordering of Providence some general laws govern the tides of times. Tradition hands down to us seasons that have been without precedent in the memory of man.

The year 1816 has left a memory still memorable; every month of that famous year had a killing frost, no fruit matured, and the great staple of Indian corn was a withered product, and when gathered readily commanded seven dollars a barrel in the market, and was hardly to be had at that price. The winter was one of unprecedented severity. Albemarle Sound was frozen over, and old Parson Pettigrew crossed the ice from Mackey’s Ferry to Edenton on foot, having a canoe drawn behind him for greater security. There has been but one season since that time when the Albemarle Sound was solidly frozen over. In the early twenties the citizens of Edenton barbecued an ox on the bay, and Dr. James Norcom,\* a leader in festive sports, and a prominent citizen, led

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\*Dr. James Norcom was a skilled surgeon of the War of 1812, recommended by Dr. Benjamin Rush of Philadelphia and appointed by Nathaniel Macon, of North Carolina. A handsome portrait of him by Reynolds, an American artist, is now owned by his descendant, Miss Penelope C. Hoskins Norcom, of Hertford, North Carolina.—THE EDITOR.

the minuet with the belles of Edenton in a dance on the ice around the smeking roast.

But these were exceptional seasons. There are certain laws which generally govern and which all men understand. The north wind has a ball of ice in its breath and the "sweet South" comes to us breathing on a bank of violets, "giving and taking odor." The tides rise and fall, and when they rise wiseacres shake their heads, put on their weather caps and predict rain, and when it falleth dry weather is predicted, but yet often the reverse is true. So let us take comfort and take time and tide and circumstance with a welcome hand and thank God for his omnipotent government.

## The Cary Will.

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IN THE NAME OF GOD AMEN. I, Mary Cary, of Virginia Surry County do hereby make my last will and testament, that is to say, principally, and first of all I give recommend my soul into the hands of almighty god that gave it, and my body I recommend to the earth to be buried in decent christian burial at the direction of my executor: nothing doubting at a general resurrection I shall receive the same agein by the mighty power of god, and as touching such worldly estate wherewith it has pleased god to bless me in this life, that is to say, I give and bequeath unto my brother Shemuel Kearne my gold studs, a pair of silver mounting spectacles double jointed, and one hundred dollars, also I give and bequeath unto my nephew, Henry Crafford, all my money, that is in the bank of England, the four per cent bank, six silver table spoons, two salt spoons, a case of bottles, one small deal box with papers, and a book or two, one pair of weight and scales, also I give and bequeath unto my neice Crafford my blue satin quilt and ten dollars. Also I give and bequeath unto my neice Leah Hilliard a pair of silver mounting spectacles, single jointed, a set of china and a silver cream pot, one tea tray, one work basket, two napkins and ten dollars. Also I bequeath unto my neice Elizabeth Pettway my watch without the seal, a pair of silver buckles set with stones with some of the stones mist out of them, one floor carpet, one deal chest, a bread basket, two napkins, one shift, a striped lute string coat and habit, a muslin apron and handkerchief, a cap ribons all knotted and edging upon them, one pair of silk stockings, one pair of cotton ditto; one pair of new stays, my large black satin cloak, a pair of gloves, my horse and chair gears, one homespun habit striped with red paint, and fifty dollars, my silver chain and pin-cushion rim and hook, a spice mortar and pestle. Also I

give and bequeath unto me neice Martha Arrington a muslin-net habit and a dimity coat, a muslin apron handkerchief, a linen apron, one trunk that my sister had put her clothes in, one lute string orange colored habit, one home spun habit, a pair of sheats, my yellow grounded habit, cap, a pair of gloves and twenty dollars. Also I give and bequeath unto my nephew Crafford Kearne, twenty dollars, also I give and bequeath unto my two neices Ruth and Drusiller Kearnes two twins, one feather bed, bolster, two pillows, two pillow cases, one pair of brown sheats, one pair of cotton sheats, blue and white counterpain, two blankets, one small cap trunk, two upper coats two under coats, two shifts, two pair of stockings, two muslin aprons, two handkerchiefs, four habits and twenty dollars. Also I give and bequeath unto my neice Barbara Kearne my new feather bed and bolster; two pillows and mattress, four pillow cases one set of bed curtains two window curtains of the same, one base three blankets four sheats, one check counter with red in it, one bed quilt, one bed side carpet, my round top clothes trunk and flat top clothes trunk, my walnut box and all that is in it, after the Legacies is taken out, my looking glass, dressing table, and glass soap box, tea chest and cannisters, six silver tea spoons and silver tea tongs, a mourning ring with William Bennett wrote on it, a blue lute string body of a habit, a striped lute string body of a habit, one muslin apron, two *two* handkerchiefs cap ribins with edging, my short black silk coat, a garnet necklace, one pair of silk stockings, one pair of gloves, one Bible a prayer book with a green cover, a young mans companion, a box iron and heaters, a tea kettle, and a copper kettle, six knives and forks, six napkins, two table clothes marked number one and two, one tin pot with two handles and twenty dollars. Also I give and bequeath unto my nephew Adam Kearne one Dictionary and twenty dollars. Also I give and bequeath unto my neice Leah Kearne twenty dollars. Also I give and bequeath unto my neice Sarah Kearne, twenty dollars. Also I give and bequeath unto my neice Suzanna Mary Kearne,

twenty dollars and a ring with one stone in it. I lend unto my neice Eve Bradley twenty for her own use,—it is my desire that all my land in North Carolina and South Carolina factery and what property soever can be found in South Carolina be sold and equally divided amongst all mentioned in my will, also I do give and bequeath unto my dear nephew Henry Crafford, one hundred dollars and after my funeral charges is paid I leave all the remainder that is not mentioned in my will to be equally divided amongst all named in my will. I do leave my dear nephew Henry Crafford executor to this my last will and testament.—IN WITNESS whereof I set my hand this six day of November 1801 and fixt my seal

MARY CARY (Seal)

Signed, seal'd and delivered in presence of

John Judkins, Mary Pettway

her

Ann X Amy

mark

At a court held for Surry County June the 26th, 1804.

The within written testament and last will of Mary Cary deceased was presented in court by Henry Crafford the executor therein named, and the same being proved by the oaths of John Judkins Gt. Mary Pettway and Ann Amy witnesses thereto was by the court ordered to be recorded. And on the motion of the said executor, who made oath and gave bond with Josiah Wilson Gt. his security in the sum of ten thousand dollars conditioned as the Law directs, certificate is granted him for obtaining a probate thereof in due form.

A copy teste

A. S. Edwards, Clk.

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Mary Cary was the widow of James Cary. In May, 1780, he was appointed a major by Lord Cornwallis, and shortly

afterwards by Lord Rawdon he was made Colonel of Militia of the Province of South Carolina, and served under them and General Stewart until the evacuation of South Carolina, December, 1782. He served in the forts of Wateree and Congaree rivers. Being a Tory, of course his American possessions were confiscated. His possessions thus seized consisted of 2262 acres of land, 14 negro slaves, 26 horses, 109 head of black cattle, 35 head of sheep, 363 head of hogs, also tools, plate, furniture, provisions, flax, indigo, madder and cotton; a library valued at £50; the whole valued at £6304-8-0, for which he sought compensation from Parliament. He received a small allowance for the same. His lands were situated in South Carolina, and his residence was there during the Revolutionary War.

Mary Cary was before her marriage Mary Kearne, or Kearney, of Virginia. She married first William Bennett, of Northampton County, North Carolina. She was the sister of Elizabeth Kearney, who married Carter Crawford, or Crafford, of Virginia. The Crawfords come of a distinguished line that has been traced far into the shadowy past and through Sir Ronald Crawford, the grandfather of Sir William Wallace.

The following legatees mentioned in the Cary will, viz., "my neice Leah Hilliard," "my neice Elizabeth Pettway," "my neice Martha Arrington," and "my dear nephew Henry Crafford" were the children of Carter Crawford and Elizabeth Kearney, born August 27, 1745; died October, 1825. The eldest, Leah, married Isaac Hilliard, of Nash County, North Carolina, born July 28, 1738; died June 25, 1790. Their home was "Woodlawn," on Swift Creek, about eleven miles from Rocky Mount. The tract of land consisted of 20,000 acres. Among old letters found in the family there have been found some addressed to "Major Isaac Hilliard." He must have served in the Revolution.

The silver and furniture of Leah Crawford Hilliard can be found now in the possession of her descendants scattered

throughout North Carolina. Her miniature is now owned by a member of the Perry family. Martha Crawford married Joseph Arrington, and has many descendants in this State. Her portrait belongs to Miss Rowe Wiggins, of Wilmington, North Carolina. Captain Henry Crawford (the brother), of Bacon Castle, Surry County, Virginia, never married. He died in 1825, leaving a large estate.

## Biographical Sketches of Contributors.

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Mrs. E. E. Moffitt, Biographical Editor, has been prevented from preparing a sketch of Dr. Howard Rondthaler for this issue of *THE BOOKLET*.

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A sketch of the late Hon. Alfred Moore Waddell, by Mrs. E. E. Moffitt, appeared in *THE BOOKLET* of July, 1907, Vol. VII, No. 1.

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Biographical sketches of Prof. Collier Cobb, by Mrs. E. E. Moffitt, appeared in the January, 1912, and the October, 1912, issues of *THE BOOKLET*.

The readers of *THE BOOKLET* will have the pleasure of another article from his gifted pen in this number entitled, "Early English Survivals on Hatteras Island." It has been printed five times, and has had a very flattering reception across the water. There is hardly a European university in which it has not been put to some use.

This paper was a talk delivered for the first time to the English Literature class at Peace Institute, Raleigh, in January, 1910, and published in the *University Magazine* from a report furnished the author by one of the young ladies of the class. Professor Cobb, of course, has made some corrections in the report. The paper appeared in the *North Carolina Review*, February 6, 1910, with the title, "On the Island of Hatteras," given it by Mr. R. D. W. Connor. It was commented on by a number of papers at a distance, and reviewed in *The Geographical Journal* (London: The Royal Geographical Society), September, 1910. Several reprints have been made to meet the European and British demand. Our readers will be pleased to learn that Professor Cobb has on hand material for other studies in anthropogeography, as

French Survivals in the Lowlands of North Carolina, The German Element in Up-country Carolina, Scottish-Highland Survivals in the Carolina Highlands, etc.

Professor Cobb has done excellent work. Few North Carolinians enjoy the international reputation that he has won, and THE BOOKLET is always honored in securing contributions from him.

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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. EDITOR.

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\*Died November 25, 1911.

†Died December 12, 1904.

# The North Carolina Booklet

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## The Creative Forces in Westward Expansion: Henderson and Boone<sup>1</sup>

BY ARCHIBALD HENDERSON.

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As focus of the old West, Kentucky has always loomed large in the national imagination as the habitat of the American border hero. Boone and Kenton, Harrod and Clark, Callaway and Logan, lurk vast in the wings of the national theatre, dramatic protagonists magnified to almost superhuman proportions in the mist of a legendary past. About them floats the aureole of traditional romance. Wrought with rude but masterly strength out of the hardships and vicissitudes of pioneer life, the heroic conquest of the wilderness, the mortal struggles of border warfare, this composite figure of Indian fighter, crafty backwoodsman, and crude surveyor has emerged as the type-figure in the romance of the evolution of American character. This model, with its invincible fascination and predominantly heroic attributes, has overshadowed and obscured the less spectacular yet more fecund instrumentalities in the colonization and civilization of the West. To-day, in the clarifying light of contemporary research, illuminating social and economic forces, the creative and formative causes of colonization and expansion, the individual merges into the group; and the isolated effort assumes its true character as merely a single factor in social evolution. We have come to recognize that the man of genius obeys a movement quite as much as he controls it, and even more than he creates it. In the pitiless perspective of historic evolution,

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<sup>1</sup>A paper read at the meeting of the American Historical Association at Charleston, S. C., December 30, 1913. It is reproduced here, with the permission of the editor, from the *American Historical Review*, October, 1914.

the spectacular hero at first sight seems to lessen; but the mass, the movement, the social force which he epitomizes and interprets, gain in impressiveness and dignity.<sup>2</sup>

The hero of the pioneer West, Daniel Boone has played the lofty role of exemplar of the leadership of the *hinterland* movement of the eighteenth century. At the hands of that inaccurate and turgid amanuensis, John Filson, Boone has been apotheosized, in approved Scriptural fashion, as the instrument of Providence, ordained by God to settle the wilderness. Nor was this superstitious delusion confined to Filson. "An over-ruling Providence," says Boone, in speaking of himself, "seems to have watched over his life, and preserved him to be the humble instrument in settling one of the fairest portions of the new world."<sup>3</sup> Fancy has played erratically about this sane and simple figure, envisaging him in countless disguises, from the primitive man returning to nature (after Rousseau) to the genius of modern communism (after Spencer). At the hands of the earlier biographers, Boone has taken on the hue and tone of an unsocial and primitive figure, as unreal as an Indian from the pages of Chateaubriand, perpetually fleeing from civilization in response to the lure of the forest and the irresistible call of the wild. At the hands of later biographers, Boone is fantastically endowed with the creative imagination of the colonizer and the civic genius of a founder of states. In the face of such disparities of romantic distortion, wrought upon the character and role of Boone, the true significance of the westward expansionist movement suffers obscuration and eclipse. Scientifically historic investigation must relegate to the superstitious and the gullible, to the panegyrist and the hero-worshipper, the providential interpretation of our national history.

Meantime, there remains to narrate the just and authentic story of westward expansion, and to project the true picture of Boone as the typical figure of the expert backwoodsman in

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<sup>2</sup> Cf. Henderson, "The Beginnings of American Expansion," *North Carolina Review*, September and October, 1910.

<sup>3</sup> Memorial to the Legislature of Kentucky, January 18, 1812.

the westward migration of the peoples. Only thus shall we secure the correct perspective for the social, political, and economic history of the colonization of the West. Such a recital must unmask the forces behind Boone, the chain of social causation, the truly creative forces in the expansionist movement. In such recital, Boone is shorn of none of those remarkable powers as explorer, scout, pathfinder, land-looker, and individual Indian fighter which have given him a secure niche in the hall of national fame. It involves the recognition, nevertheless, that his genius was essentially individual rather than social, unique rather than communistic. In the larger social sense, it involves the further recognition that those of Boone's achievements which had the widest bearing on the future and ultimately effected national results were accomplished through his instrumentality, not in the role of originative genius and constructive colonizer, but in the role of pioneer and way-breaker. Boone's pioneering initiative and his familiarity with Indian temperament found the best field for their most effective display under the guidance of the constructive mind and colonizing genius of Henderson. Boone acted as the agent of men of commercial enterprise and far-seeing political imagination, intent upon an epochal politico-economic project of colonization, promotion, and expansion. Boone may have been the instrument of Providence, as he so piously imagined; but it is inubitable that he was the agent of commercial enterprise and colonial promotion.

## I

The exploration and colonization of the West, with the ultimate consequence of the acquisition of the trans-Alleghany region, was not the divinely appointed work of any single man. In reality, this consummation flowered out of two fundamental impulses in the life of the period, the creative causes of territorial expansion. Intensive analysis reveals the further cardinal fact that it was two racial streams, the one distinguished by unit-characters, individualistic, democratic,

the other corporate in interests, communistic, with aristocratic attributes—their temporary co-ordination and subsequent sharp mutual reaction—which constituted the instrumentalities for the initial steps in the westward expansionist movement. The creative forces which inaugurated the territorial expansion of the American people westward found typical embodiment, the one in a great land company intent upon carving out a new colony, the other in the supreme pioneer and land-looker of his day.

The prime determinative principle of the progressive American civilization of the eighteenth century was the passion for the acquisition of land. After the peace of Aix-la-Chapelle (1748), which left the boundaries of France and England in America unsettled, Céloron de Bienville was despatched in the spring of 1749 to sow broadcast the seeds of empire, the leaden plates symbolic of the asserted sovereignty of France. Through a grant to the Ohio Company, organized in 1748, and composed of a number of the most prominent men of the day in Virginia, England proceeded to take possession without the formal assertion of her claims; and Christopher Gist, summoned from his remote home on the Yadkin in North Carolina, made a thorough reconnaissance of the western region in 1750-1751. Almost simultaneously, the Loyal Land Company of Virginia received a royal grant of eight hundred thousand acres, and in the spring of 1750 despatched Thomas Walker westward upon his now well-known tour of exploration.<sup>4</sup> The vast extent of uninhabited transmontane lands, of fabled beauty, richness, and fertility, excited dreams of grandiose possibilities in the minds of English and colonials alike. England was said to be "New Land mad, and everybody there has his eye fixed on this country."<sup>5</sup> To Franklin and Washington, to the Lees and Patrick Henry, to Lyman and Clark, the West loomed large as the promised land—for settlement, for trade, for occupation—to men brave

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<sup>4</sup> J. S. Johnston, *First Explorations of Kentucky* (Filson Club Publications).

<sup>5</sup> Johnson MSS., XII., No. 127.

enough to risk their all in its acquisition. The royal proclamation of 1763 gave a new impetus to the colonizing spirit, dormant during the early years of the war, and marks the true beginning of Western colonization. The feeling of the period was succinctly interpreted by Washington, who, in describing the "rising empire" beyond the Alleghanies, denominates it "a tract of country which is unfolding to our view the advantages of which are too great and too obvious, I should think, to become the subject of serious debate, but which, through ill-timed parsimony and supineness, may be wrested from us and conducted through other channels."<sup>6</sup>

The second determinative impulse of the pioneer civilization was *Wanderlust*—the passionately inquisitive instinct of the hunter, the traveler, the explorer. A secondary object of the proclamation of 1763, according to Edmund Burke, was the limitation of the colonies on the West, as "the charters of many of our old colonies give them, with few exceptions, no bounds to the westward but the South Sea."<sup>7</sup> The Long Hunters, taking their lives in their hands, fared boldly forth to a fabled hunters' paradise in the far-away wilderness, because they were driven by the irresistible desire of a Ponce de Leon or a De Soto, a Stanley or a Peary, to discover the truth about the undiscovered lands beyond the mountains. The hunter was not only thrilled with the passion of the chase in a veritable paradise of game: he was intent upon collecting the furs and skins of wild animals for lucrative barter and sale in the centres of trade. Quick to make "tomahawk claims" and assert "corn rights," the pioneer spied out the rich virgin lands for future location, there to be free from the vexatious insistence of the tax-gatherer. "The people at the back part of those [North Carolina and Virginia] and the neighboring colonies," writes Dunmore to Hillsborough as late as 1772, "finding that grants are not to be obtained, do seat themselves without any formalities wherever they like

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<sup>6</sup> Cf. Hulbert, *Washington and the West*.

<sup>7</sup> *Annual Register*, 1763, p. 20.

best.”<sup>8</sup> To exploit the land for his individual advantage, eventually to convert the wilderness to the inevitable uses and purposes of civilization: such was the mission of the pioneer. Acting-Governor Nelson, of Virginia, referring in 1770 to the frontier settlements, significantly remarks: “Very little if any Quit Rents have been received for his majesty’s use from that Quarter for some time past; for they [the settlers] say, that as His Majesty hath been pleased to withdraw his protection from them since 1763, they think themselves bound not to pay Quit Rents.”<sup>9</sup> The axe and the surveyor’s chain, along with the rifle and the hunting-knife, constituted the armorial bearings of the pioneer. Again, with individual as with corporation, with explorer as with landlord, land-hunger was the master impulse of the era.

In a little hamlet in North Carolina in the middle years of the eighteenth century, these two determinative principles, the acquisitive and the inquisitive instincts, found a conjunction which may justly be termed prophetic. Here occurred the meeting of two streams of racial tendency. The exploratory passion of the pioneer, given directive force in the interest of commercial enterprise, prepared the way for the westward migration of the peoples. That irresistible Southern migration, which preceded and presaged the greater wandering of the peoples across the Alleghanies a quarter of a century later, brought a horde of pioneer settlers from the more thickly populated sections of Pennsylvania, and a group of gentlemen planters from the Old Dominion of Virginia, to the frontier colony of North Carolina—famed afar for her fertile farm lands, alluvial river bottoms, and rich hunting grounds. The migratory horde from Pennsylvania found ultimate lodgment for certain of its number in the frontier county of Rowan; the stream of gentlemen planters from

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<sup>8</sup> “State Paper Office, America, Vol. 192, No. 7,” is the reference attached to the transcript in the Virginia State Library, Aspinwall Collection, pp. 77-81. Presumably the modern reference to the original is, Public Record Office, C. O. 5: 989.

<sup>9</sup> Nelson to Hillsborough, October 18, 1770. Bancroft Transcripts, Library of Congress.

Virginia came to rest in the more settled regions of Orange and Granville. From these two racial and social elements stem the fecund creative forces in westward expansion.<sup>10</sup>

## II

In the first half of the eighteenth century, Pennsylvania felt the impetus of civilization from the throngs of immigrants who flocked into the Neshaminy Valley, the Cumberland Valley, eastward to the Delaware, up the river to the Lehigh, and into the twilight zone of uncertain title towards Maryland. "These bold and indigent strangers," says Logan, Penn's agent, in 1724, "gave as their excuse when challenged for titles that we had solicited for colonists and they had come accordingly."<sup>11</sup> Aside from these bold squatters, who asserted that "it was against the laws of God and nature that so much land should be idle while so many christians wanted it to work on and to raise their bread," came innumerable *bona fide* purchasers of land, fleeing from the traditional bonds of caste and aristocracy in England and Europe, from religious persecution and favoritism, to a haven of refuge, where they received guarantees of full tolerance in religious faith and the benefits of representative self-government. From East Devonshire in England came George, the grandfather of Daniel Boone, and from Wales came Edward Morgan, whose daughter Sarah married Squire, Daniel Boone's father—conspicuous representatives of the Society of Friends, drawn thither by the representations of the great Quaker, William

<sup>10</sup> In the history of this epochal movement there is one of the most singular of *lacunae*—a gap almost unprecedented in a period of American life so industriously studied. Close scrutiny of the Draper Collection, generally presumed to be the court of last resort for the career of Boone, as well as of Draper's correspondence, reveals the significant fact that the voluminous records of Rowan, where Boone lived for a quarter of a century prior to his removal to Kentucky, eluded the watchful eye, if not the curiosity, of the indefatigable Draper. An intensive study of these county records, the Draper MSS., the Henderson, Burton, Hogg, Hart, and Benton papers, taken in conjunction with a wider research into the careers of Daniel Boone and Richard Henderson, made by the writer, effects a new distribution of perspective and affords a rational *expose* of the early expansionist movement.

<sup>11</sup> Hanna, *Scotch-Irish*, II. 60, 63.

Penn, with his advanced views on popular government and religious toleration.<sup>12</sup> Hither, too, came Morgan Bryan from Ireland, where he had gone from Denmark, settling in Chester County prior to 1719; and his children, William, James, and Morgan, the brothers-in-law of Daniel Boone, were intimately concerned in the subsequent westward migration.<sup>13</sup> In 1720 the vanguard of that great army of Ulster Scots, with their stern, rugged qualities of aggressive self-reliance, appeared in Pennsylvania. In September, 1734, Michael Finley, from County Armagh, Ireland, presumably accompanied by his brother Archibald, landed in Philadelphia; and this Archibald Finley, a settler in Bucks County, according to the best authorities, was the father of John Finley or Findley or Findlay, Boone's guide and companion in his famous exploration of Kentucky in 1769-1771.<sup>14</sup> Hither, too, came Mordecai Lincoln, great-grandson of Samuel Lincoln, who had emigrated from England to Hingham, Massachusetts, as early as 1637; and this Mordecai, who in 1720 settled in Chester County, Pennsylvania, was the father of Sarah Lincoln, who married William Boone, and of Abraham Lincoln, who married Anne Boone, William's first cousin.<sup>15</sup> Early

<sup>12</sup> George Boone, with his wife, emigrated to Pennsylvania in 1717; and his son George, on his arrival, produced a certificate from Bradnich meeting in Devonshire. Edward Morgan was a member of Gwynedd monthly meeting. Cf. Original Minutes of Abington and Gwynedd Monthly Meetings, Pa.

<sup>13</sup> Cf. *Bryan's Station* (Filson Club Publications, No. 12); also W. S. Ely, *The American Ararat* (Publications of the Bucks County, Pa., Historical Society); MS. History of the Bryan Family, owned by Col. W. L. Bryan, Boone, N. C.

<sup>14</sup> Ely, *The Finleys of Bucks* (Publications of the Bucks County, Pa., Historical Society); also Ely, "Historic Associations of Nesha-miny Valley," *Daily Intelligencer* (Reading, Pa.), July 29, 1913. While Archibald, the father, spelled the surname Finley, it appears from an autograph in the possession of the Wisconsin State Historical Society (Draper MSS., 2 B 161), that the explorer spelled it Findlay.

<sup>15</sup> Mordecai Lincoln was the great-great-grandfather of President Lincoln. There was another connection between the Boone and Lincoln families: Mary Lincoln, daughter of Abraham Lincoln (1736-1806) and Anne Boone Lincoln, married a Joseph Boone. For data concerning the Boone and Lincoln families, I am indebted to Mr. Andrew Shaaber, the librarian of the Historical Society of Berks County, Pa. Cf., also, *The Early Life of Abraham Lincoln*, by Tarbell and Davis.

settlers in Pennsylvania were members of the Hanks family, one of the descendants being Abraham Hanks, grandfather of the Abraham Hanks of Prince William County, Virginia, who accompanied William Calk on his journey with Richard Henderson over Boone's trail in 1775.<sup>16</sup>

The rising scale of prices for Pennsylvania lands, changing from ten pounds per hundred acres and two shillings quit-rents in 1719 to fifteen and a half pounds per hundred acres with a quit-rent of a half-penny per acre in 1732, soon turned the eyes of the settlers southward in the direction of new and cheaper lands, the prices for which decreased in inverse ratio to their distance from Pennsylvania. In Maryland, in 1738, lands were offered at five pounds sterling per hundred acres. Simultaneously, in the valley of Virginia, free grants of a thousand acres per family were being made; and in the Piedmont region of North Carolina, the proprietary of Lord Granville through his agents was disposing of the most desirable lands to settlers at the rate of three shillings proclamation money for six hundred and forty acres, the unit of land division, and was also making large free grants on the condition of seating a certain proportion of settlers. The rich lure of these cheap and even free lands set up a vast migration southward from Pennsylvania in the second quarter of the eighteenth century. In 1734 the Bryans migrated to Virginia, obtaining a grant near Winchester, whence they removed to the Forks of the Yadkin in North Carolina about 1750.<sup>17</sup> In 1750 the Boones, soon followed by the Hanks and Lincoln families, migrated southward to Virginia; and shortly afterwards, Squire Boone, Sr., with his family, settled at the Forks of the Yadkin in Rowan County. From 1740 there was a ceaseless tide of immigration into the valley of the Yadkin, of the Scotch-Irish and Quakers from Pennsylvania. In a letter to the Secretary of the Board of Trade

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<sup>16</sup> The original manuscript diary of William Calk is now in the possession of one of his descendants, who permitted me to examine it. William Calk's companion, Abraham Hanks, was the maternal grandfather of President Lincoln.

<sup>17</sup> Kercheval, *History of the Valley of Virginia*.

from Edenton, North Carolina (Feb. 15, 1750-1), Governor Gabriel Johnston says, "Inhabitants flock in here daily, mostly from Pensilvania and other parts of America, who are overstocked with people and some directly from Europe, they commonly seat themselves towards the West and have got near the mountains." Writing from the same town on September 12, 1752, Bishop Spangenburg, of the Moravian Church, says that a considerable number of the inhabitants of North Carolina have settled here "as they wished to own land and were too poor to buy in Pennsylvania or New Jersey"; and in 1753 he observes that "even in this year more than 400 families with horse wagons and cattle have migrated to this State. . . ." <sup>18</sup> The immensity of this mobile, drifting mass is demonstrated by the statement of Governor William Tryon that in the summer and winter of 1765 "upwards of one thousand wagons passed thro' Salisbury with families from the northward, to settle in this province chiefly."

This southward-moving wave of migration, predominantly Scotch-Irish and English, with an admixture of a Welsh element, starting from Pennsylvania in the first quarter of the eighteenth century, swept through Maryland, and in the middle years of the century inundated the valley of Virginia and the Piedmont region of North Carolina. About Salisbury, the county seat of Rowan, now rapidly formed a settlement of people marked by strong individuality, sturdy independence, and virile self-reliance. The immigrants, following the course of the Great Trading Path, did not stop at Salisbury, but radiated thence in all directions. The Morgans, Quakers and Baptists, remained in Pennsylvania, spreading over Philadelphia and Bucks counties; the Hanks and Lincoln stocks found refuge in Virginia; but the Boones and the Bryans founded their settlement at the Forks of the Yadkin. A few miles distant was the tiny hamlet of Salisbury, consisting of seven or eight log houses and the courthouse

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<sup>18</sup> For these several statements, *cf.* *N. C. Col. Rec.*, IV. 1073, 1312; VII. 249.

(1755).<sup>19</sup> The Boones and the Bryans, quickly accommodating themselves to frontier conditions much ruder and more primitive than those of their Pennsylvania home, immediately began to take an active part in the local affairs of the county.<sup>20</sup> The Boones quickly transferred their allegiance from the Society of Friends to the Baptist Church, worshipping at the Boone's Ford Church on the Davie side of the Yadkin; the Bryans, on the other hand, moved perhaps by the eloquence of the gentle Asbury, who often visited them, adopted Methodist principles.<sup>21</sup> In this region, infested with Cherokee and Catawba Indians, Captain Anthony Hampton with his company of rangers actively patrolled the frontier; and Daniel Boone won his spurs as a soldier under the sagacious Indian fighter, commander of Fort Dobbs, Hugh Waddell.<sup>22</sup> Through the wilderness to the westward, across the mountains, and into the valley of the Holston, the nomadic Boone roamed at will, spying out the land, and hunting and trapping to his heart's content. In such an environment was bred the Pennsylvanian, Daniel Boone, of Quaker stock, with Baptist proclivities. Humble in origin, but strongly marked in his individual democracy, Boone learned the stern frontier lessons of frugality, self-repression, and self-reliance. Here he tasted the sweets of freedom and developed the roving instinct which later marked him out as the supreme pioneer of his time. Chafing under the hampering restrictions of com-

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<sup>19</sup> *N. C. Col. Rec.*, V. 355 *et seq.*

<sup>20</sup> Squire Boone, shortly after his arrival in the neighborhood, was chosen justice of the peace; and Morgan Bryan was soon appearing as foreman of juries and director in road improvements in the county.

<sup>21</sup> Says the Rev. Francis Asbury in his *Journal*, in speaking of his frontier congregations: "In every place the congregations were large, and received the word with all readiness of mind. I know not that I have spent such a week since I came to America. I saw everywhere such a simplicity in the people, with such a vehement thirst after the word of God, that I frequently preached and continued in prayer till I was hardly able to stand" (I. 174). *Cf.* also Sheets, *History of Liberty Baptist Association*, and J. T. Alderman, *The Baptists at the Forks of the Yadkin* (Baptist Historical Papers.)

<sup>22</sup> Archibald D. Murphey, "Indian Nations of North Carolina," MSS. Collections, N. C. Historical Commission. *Cf.* also Alfred Moore Waddell, *A Colonial Officer and his Times*; and Draper's manuscript Life of Boone.

munity life and realizing himself to be unsuited to the monotonous routine of farming, he was irresistibly impelled by his own nomadic temperament to seek the wider liberty of the wilderness. It is measurably more than surmise to say that he sought wider fields in the vague hope of enjoying there a larger degree of individual freedom under the impulse of pioneer democracy. Virginia and Pennsylvania contributed liberally to the formation of the national character in the cradle of the West. At this precise moment in history was to emerge, out of North Carolina, after a sojourn of a quarter of a century, the incarnation of the individual democracy which afterwards was to exert such a profound effect upon the development of American civilization, and to produce in time an Andrew Jackson and an Abraham Lincoln.<sup>23</sup>

### III

Simultaneous with the streaming of the peasant Quakers and Scotch-Irish Presbyterians into the Piedmont region of North Carolina,<sup>24</sup> having as consequence the gradual evolution of the embryonic forms of pioneer American democracy, was proceeding another movement into the counties of Orange and Granville, of families of quality and superior position, destined to exert in equally distinctive ways an ineffaceable impress upon the development of the West. In the middle years of the eighteenth century, attracted by the lure of rich and cheap lands, many families of Virginia gentry, principally from Hanover County, settled in the region ranging from Williamsborough on the east to Hillsborough on the west. Hither came the Hendersons, the Bullocks, the Wil-

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<sup>23</sup> Cf. Turner, "The Significance of the Frontier in American History," *Annual Report* of the American Historical Association, 1893. In this same frontier environment which shaped the Boones and the Bryans, was born a few years later Andrew Jackson; and Mr. William Jennings Bryan is descended from a brother of the Bryan whose daughter was married to Daniel Boone.

<sup>24</sup> S. B. Weeks, *Southern Quakers and Slavery*; also *William and Mary College Quarterly*, XII, 129-134; Henderson, *Life and Times of Richard Henderson*; *Biographical Hist. of N. C.*

liamses, the Harts, the Lewises, the Taylors, the Bentons, the Penns, the Burtons, the Hares, and the Sneeds.<sup>25</sup> There soon arose in this section of the colony a society marked by intellectual distinction, social graces, and the leisured dignity of the landlord and the large planter. Here was forming a new society, constituting the social link between the wealthy and predominant aristocracy in the East and the rude frontier democracy in the West. A similar type of society, that of Piedmont Virginia, produced such champions of the new democracy as Jefferson and Patrick Henry—a society composite of independent yeomen and their leaders, the large planters. It was sharply differentiated from the colonial society of the coast, being inherently democratic in instinct and aristocratic in tone. "Never scarcely in England have I seen more beautiful prospects," writes James Iredell in testimony of the beauty of the lands of Granville,<sup>26</sup> and its richness and productivity as agricultural and grazing land were demonstrated by the yield of great crops of Indian corn and other grain, and the vast droves of cattle and hogs. So conspicuous for means, intellect, culture, and refinement were the people of this social group—a people with "abundance of wealth and leisure for enjoyment," says the quaint old diarist, Hugh McAden<sup>27</sup>—that Governor Josiah Martin, passing through Granville and Bute counties on his way from Hillsborough in 1772, significantly remarks: "They have great pre-eminence, as well with respect to soil and cultivation, as to the manners and condition of the inhabitants, in which last respect the difference is so great that one would be led to think

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25 W. H. Battle, "Memoir of Chief Justice Leonard Henderson," *N. C. Univ. Mag.*, November, 1859; T. B. Kingsbury, "Chief Justice Leonard Henderson," *Wake Forest Student*, November, 1898; R. W. Winston, "Leonard Henderson," Frank Nash, "Hillsborough, Colonial and Revolutionary," Nash, "History of Orange County," *N. C. Booklet*. The author has also had the privilege of examining the valuable collection of Hart-Benton MSS., kindly placed at his disposal by Miss Lucretia Hart Clay, of Lexington, Ky.

26 McRee, *Life and Correspondence of James Iredell*, I, 434.

27 Foote, *Sketches of N. C.*

them people of another region.”<sup>28</sup> From this society came such eminent democratic figures as the father-in-law and preceptor of Henry Clay, Thomas Hart; his grandson, the “Old Bullion” and “Great Pacificator” of a later era, Thomas Hart Benton; Richard Henderson, president of the colony of Transylvania, known to his contemporaries as the “Patrick Henry of North Carolina”; John Penn, signer of the Declaration of Independence; William Kennon, eloquent advocate of the Mecklenburg Resolves of May 31, 1775; and others almost equally distinguished. Like the society of the Virginia Piedmont, it was, to employ the words of Turner, “a society naturally expansive, seeing its opportunity to deal in unoccupied lands along the frontier which continually moved toward the West, and in this era of the eighteenth century dominated by the democratic ideals of pioneers rather than by the aristocratic tendencies of slave-holding planters.”<sup>29</sup> From the cross-fertilization of this society of gentry, of innate qualities of leadership, democratic instincts, economic cast, and expansive tendencies, with the primitive, pioneer society of the frontier, frugal in taste, responsive to leadership, ready and thorough in execution, there was evolved the militant expansive movement in American life. Out of the ancient breeding-ground of North Carolina, from the co-operative union of transplanted Pennsylvania and Virginia stocks, came at the same moment the spirit of governmental control with popular liberty, and the spirit of individual colonization, restive under control. In the initial co-ordination of these two instincts, with the subsequent triumph of the latter over the former, is told the story of the beginning of American expansion.<sup>30</sup>

Soon after his arrival in Rowan, Squire Boone, Sr., resid-

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<sup>28</sup> *N. C. Col. Rec.*, IX. 349. Martin comments: “These advantages arise I conceive from the vicinity of Virginia, from whence I understand many, invited by the superior excellence of the soil, have immigrated to settle in these counties.”

<sup>29</sup> Turner, “The Old West,” *Wis. Hist. Soc. Proc.*, 1903.

<sup>30</sup> See Henderson, “The Pioneer Contributions of North Carolina to Kentucky,” *Charlotte Observer*, November 10, 1913.

ing at the Forks of the Yadkin some twelve miles from Salisbury, was chosen as one of the worshipful justices of the county court. From the earliest sessions of the court, three years before the erection of a court-house, he acted in this capacity, deciding the many simple questions arising under frontier conditions: registering the branding marks for cattle; selecting constables and road-overseers, and their routes; determining the scale of prices of foods and liquors for the licensed hostleries; and the like. By the end of 1756 he was presiding in the new courthouse—a frame-work structure, thirty feet long and twenty feet wide, provided with an oval bar and “cases” for the attorneys. One of the attorneys who occupied one of these “cases” and argued suits before Squire Boone was a young man of Granville County, whose geniality had won him many friends and whose ability had won him a large legal practice.<sup>31</sup> “Even in the superior courts where oratory and eloquence are as brilliant and powerful as in Westminster-hall,” says an English acquaintance of Henderson’s, “he soon became distinguished and eminent, and his superior genius shone forth with great splendour, and universal applause.” Wedded to the daughter of an Irish lord,<sup>32</sup> and moving in the refined circle which included a Richard Bennahan, an Alexander Martin, a John Penn, a William Hooper, and their compeers, he was nevertheless conspicuously democratic by conviction and in practice. His law partner, who married the widow of Lord Keeling, was John Williams—a stout exponent of the principles of democracy. Among his intimate friends was that “aristocrat in temperament, but democrat in politics,” Thomas Hart, whom an acquaintance, Dr. J. F. D. Smyth, described as “an accomplished and complete gentleman.” Henderson was well acquainted with Squire Boone, frequently appearing on legal business before

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<sup>31</sup> The earliest court records of Granville County show that he and his first cousin, John Williams, enjoyed the most extensive practice in the court.

<sup>32</sup> Kingsbury, “Chief Justice Leonard Henderson,” *loc. cit.*

him; and likewise formed the acquaintance of his son, Daniel, the nomadic spirit, hunter, and trapper, who occasionally told him bizarre and startling tales of his wanderings across the dark green mountains to the fair valleys and boundless hunting grounds beyond. These stories of Western explorations Henderson heard from the lips of Daniel Boone himself, who was eager to remove to the West at the first convenient opportunity.<sup>33</sup>

Daniel Boone was an explorer of remarkable individual initiative. Prior to 1769 he had already traveled as far as Florida on the south and as far as Kentucky on the west. During the period from 1763 to 1769, doubtless through his long extended absences and his enforced neglect of affairs at home, he became deeply involved financially. His nomadic instincts, with the consequent neglect of the work on his farm, seem to have prejudiced even his father against him. The heavy indebtedness which he incurred—indeed the entire career of the simple-hearted pioneer demonstrates his constitutional carelessness in business and financial transactions—involved him in suits instituted against him by some of the most prominent citizens of Salisbury—John Lewis Beard, the philanthropist and devout churchman; Dr. Anthony Newnan, the active Whig; Hugh Montgomery, the wealthy landlord of Wilkes; John Mitchell, and others.<sup>34</sup> In this hour of his poverty and distress, Boone turned to his friends, the law partners, Henderson and Williams. “A person so just and upright” as Boone could have become involved in such financial difficulties only through a certain naive indifference to the forms of law and heedless neglect of customary business precaution. In reference to this gloomy period in Boone’s career, Thomas Hart wrote his brother Nathaniel in 1780: “I have known Boone in times of old, when poverty and distress had him fast by the hand; and in

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<sup>33</sup> Draper’s MS. Life of Boone.

<sup>34</sup> Court records.

these wretched circumstances I have ever found him of a noble and generous soul, despising everything mean."<sup>35</sup>

In the earlier years of Boone's residence in Rowan, at some time prior to 1763, Richard Henderson first formed the acquaintance of Boone. The fact of cardinal importance is that he knew Boone in a two-fold capacity—not only as hunter, trapper, and explorer, but also as surveyor and road-maker. Not without distinct historic significance was it that in the year 1763, and so, at the same time with England's futile proclaimed estoppel of purchase of lands from the Indians by individuals or corporations without crown grants,<sup>36</sup> Richard Henderson one day arose from his "case" in the tiny courthouse of Rowan, and facing the "oval bar" which supported the elevated bench from which Squire Boone, as one of the "worshipful justices," had for a decade dispensed rude justice, moved the following:

It is ordered that a Waggon Road, the best and nearest, be built from the Shallow Ford upon the Yadkin River to the Town of Salisbury, and the following persons are appointed to lay off and mark the same, to wit, Daniel Boone, Morgan Bryan, Samuel Bryan, and James Bryan . . . and accordingly they appear upon Notice and be qualified before the nearest Magistrate for their Faithful discharge of their office, etc.

When the time was ripe for the defiance of the edict of crown governors against purchases from the Indians without

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<sup>35</sup> Morehead's *Address*, at Boonesborough (1840), p. 105, note.

<sup>36</sup> The royal proclamation of October 7, 1763, avowed it to be His Majesty's "fixed determination to permit no grants of lands nor any settlements to be made within certain fixed Bounds . . . leaving all that territory within it free for the hunting grounds of those Indian subjects of your majesty." Text in *Michigan Pioneer and Historical Collections*, XXXVI. 14-19 (1908). In his elaborate papers on the subject of British Western policy, Professor C. W. Alvord, however, successfully maintains that the royal proclamation of 1763 did not set permanent western limits to the colonies, and that it was the intention of the Board of Trade to promote westward expansion by the peaceful purchase from time to time, under royal authority, of land situated in the Indian reservation. Cf. "The Genesis of the Proclamation of 1763," *Michigan Pioneer and Historical Collections*, Vol. XXXVI.; "The British Ministry and the Treaty of Fort Stanwix," Wisconsin Historical Society *Proceedings*, 1908.

royal grants, upon the basis of the royal proclamation of 1763, it was but natural that Henderson should engage as the man best fitted to spy out the wilderness of Kentucky and later to cut out a passage thereto through the dense and tangled laurel thickets—a passage far-famed in history as the Wilderness Road—his friend “Dan Boone,” as he familiarly called him, whom he had known for many years as a most competent scout and expert road-cutter in the frontier county of Rowan.

#### IV

The designs which Henderson and his associates cherished for the acquisition of Western lands found early expression in some form of organization. After the proclamation of 1763, which assured the lands at least temporarily to the Indians, these men realized that these lands must eventually be thrown open to colonization.<sup>37</sup> They accordingly organized themselves into some sort of company, for the purpose of engaging an expert scout and surveyor to spy out the Western lands, and later to examine into the feasibility of making a purchase ultimately from the Indians. Their original intention, indubitably, was to colonize the territory thus to be acquired. But when the clouds of war finally gathered and a clash with Great Britain loomed threatening and imminent on the horizon, their original plan of extensive colonization inevitably assumed momentous political consequences; and in the event they endeavored to found a fourteenth American colony in the heart of the Western wilderness.

This company, so far as known, has left no documentary record of its activities in the earlier stages of its existence.

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<sup>37</sup> The chief object of the proclamation of 1763 was to allay the alarm of the Indians; and in pursuance of this idea the colonists were positively prohibited from making settlements on the Indian lands. Nevertheless the roving bands of determined settlers along the Indian border rendered the situation critical. In the very preamble of the proclamation, the Lords of Trade describe the sovereign as “being desirous that all Our loving subjects, as well of Our Kingdom as of Our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom, etc.” The veiled intent of the Board of Trade, it would appear, was to control, not to prevent, expansion westward.

All the evidence points to the fact that it consisted of three partners only: Richard Henderson, Thomas Hart, and John Williams. The organization first bore the name of "Richard Henderson and Company." Some years later, after the plans for colonization had passed the stage of preliminary investigation, new partners were successively added. The name of the organization, "Richard Henderson and Company," was altered, first to the "Louisa Company," and then to the "Transylvania Company."<sup>38</sup>

The first exploration which Daniel Boone ever made on behalf of Richard Henderson and Company was in the year following the royal proclamation of 1763. The partners evidently anticipated Washington in the realization that the proclamation was only a temporary expedient to quiet the minds of the Indians. Boone was vastly impressed by the Western territory as a field for settlement, and was eager on his own account to move his family to this new region. It is clear that he anticipated removal to the West with his family, as the immediate result of his first exploration in the interest of Henderson and Company.<sup>39</sup> Boone's enthusiastic descriptions of the Western wilderness retailed to Henderson and his associates, Hart and Williams, doubtless aroused in their minds the first suggestion of the larger opportunities for settlement and investment afforded by the rich but tenantless West. Accordingly they engaged Boone, who upon all his pioneering and hunting expeditions continued to penetrate further and further westward, to do double duty upon his next expedition. Boone was instructed, while hunting and trapping on his own account, to make a wider cast than he had ever made before, to examine the lands with respect to their location and fertility, and to report his findings upon his return.

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<sup>38</sup> Kentucky MSS., I; Draper MSS. Cf. Alden, *New Governments west of the Alleghanies before 1780* (Madison, Wis.)

<sup>39</sup> The county records show that in the early part of this same year, viz., on February 21, 1764, Daniel Boone and his wife "Rebeckah" sold all their property in North Carolina—consisting of a home and 640 acres of land.

The expedition must have been transacted with considerable circumspection. In 1767 George Washington, writing to his agent, Crawford, with reference to threatened future competition for the best Western lands, shrewdly counsels: "All this may be avoided by a silent management, and the operation carried on by you under the guise of hunting game."<sup>40</sup> With a business sagacity like that of Washington, who was later to learn of Henderson's desire to found an independent colony in the West, Henderson fully realized that the exploration must be conducted with circumspection, if the lands were to be secured.<sup>41</sup> Boone proved himself a thoroughly satisfactory agent for the examination of the country, his trustworthiness being in no small measure due to his ingrained taciturnity and his faculty of keeping his own counsel. It is obvious, however, that Henderson gave to Boone, as Washington gave to Crawford, discretion to trust the secret of his errand to those in whom he could confide and who might assist him in making further discoveries of land. In one instance, at least, the circumspect Boone deemed it prudent to communicate the purpose of his mission to some hunters in order to secure the results of their information in regard to the best lands they had encountered in the course of their hunting expedition. In the autumn of 1764, during the journey of the Blevins party of hunters, to their hunting ground on the Rock Castle River, near the Crab Orchard in Kentucky, Daniel Boone came among the hunters, at one of their Tennessee station camps, in order, as expressed in the quaint phraseology of the day, "to be informed of the geog-

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<sup>40</sup> Washington to Crawford, September 21, 1767. Sparks, *Life and Writings of Washington*, II. 346-350. In the same letter, Washington admonishes Crawford to "keep the whole matter a secret, or trust it only to those in whom you may confide, and who can assist you in bringing it to bear by their discoveries of land."

<sup>41</sup> The meagreness of our information on the subject of this initial exploration may thus be naturally explained. An acquaintance of Henderson mentions that the latter preserved the strictest secrecy about his earlier land ventures. Repeatedly taxed afterwards with having acted as the agent of the land company, Boone consistently and most honorably refused to violate Henderson's confidence.

raphy and locography of these woods, saying that he was employed to explore them by Henderson and Company."<sup>42</sup> In this tour of exploration, Boone hunted and scouted through the valleys of the Tennessee and the Holston, but did not penetrate to the fabled region of Kentucky. His companion on this expedition was his relative, Samuel Callaway, and together they accomplished a two-fold object: hunting and trapping on their own account, and secretly prospecting and exploring on behalf of the land company.<sup>43</sup>

## V

Just why Henderson and his associates did not act immediately upon the report brought back by Boone and Callaway—a report doubtless highly favorable, as was the case with all the “news of a far country” brought home by the pioneers—there is no extant explanatory evidence. Henderson and Williams, as law partners, were engaged in an extensive and lucrative law practice; and in the prosecution of their profession spent a large proportion of their time in traveling from one end of the extensive colony of North Carolina to the other.<sup>44</sup> The heavy obligations of this extensive and rapidly enlarging law business in all probability sufficed to delay the immediate prosecution of the Western enterprise.

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<sup>42</sup> Haywood, *Tennessee*, p. 35 (1823 Ed.) The accuracy of Haywood's testimony in this instance must be recognized as indisputable. Judge John Haywood was intimately associated, both personally and legally, with Richard Henderson's two sons, Archibald and Leonard; and his successor to the post of reading clerk to the North Carolina House of Commons, in 1789, was his friend, Major Pleasant Henderson, Richard's brother, and pioneer with Boone at Boonesborough, and with Robertson at the French Lick. On his removal to Tennessee, Judge Haywood formed the personal acquaintance of many of the pioneers, from whom he received innumerable accounts of their personal experiences. Notable figures among the pioneers in Tennessee, such as James Robertson, John Sevier, and Timothee de Monbrun, were personally known to the Tennessee historians, Haywood and Putnam.

<sup>43</sup> Ramsey (*Annals of Tennessee*) unearthed the fact that Boone, while acting as the secret agent of the land company, was accompanied by Callaway—a fact which Ramsey, with his intimate knowledge of the pioneers and their history, probably derived directly from Callaway or his immediate descendants.

<sup>44</sup> Cf. McRee, *Life and Correspondence of James Iredell*, I. 96-97; Henderson, *Life and Times of Richard Henderson*, Ch. II.

It was not, indeed, until several years later that Henderson and Company once more actively interested themselves in the problem of Western investment and colonization. In the *Virginia Gazette* of December 1, 1768, a newspaper in which he advertised, Henderson must have read with astonishment not unmixed with dismay, that "the Six Nations and all their tributaries have granted a vast extent of country to his majesty, and the Proprietaries of Pennsylvania, and settled an advantageous boundary line between their hunting country and this, and the other colonies to the southward as far as the Cherokee River, for which they received the most valuable present in goods and dollars that was ever given at any conference since the settlement of America." It was now generally bruited about the colony of North Carolina that the Cherokees were deeply resentful because the Northern Indians at the treaty of Fort Stanwix had been handsomely remunerated for territory which they, the Cherokees, claimed from time immemorial.<sup>45</sup> Henderson, who had consulted often with Boone and reflected deeply over the subject, foresaw that the Western lands, though ostensibly thrown open for settlement under the aegis of Virginia, could only be legally obtained by extinguishing the Cherokee title. His prescience was directly confirmed by royal action, when Stuart, Superintendent for Indian affairs in the Southern Department, at the treaty of Hard Labor, October 14, 1768, acknowledged the Cherokee title by establishing the western boundary as a line running from the top of Tryon Mountain (now in Polk County, North Carolina, on the South Carolina line) direct to Colonel Chiswell's mine (now Austinville, Virginia), and

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<sup>45</sup> Cf. Ranck, *Boonesborough* (Filson Club Publications, No. 16); also Henderson, "Forerunners of the Republic: Richard Henderson and American Expansion," *Neale's Monthly*, January, 1913.

thence in a straight line to the mouth of the Great Kanawha River.<sup>46</sup>

It was at this crucial moment that the horse peddler, John Findlay, Boone's old friend of the Braddock campaign, wandered into the valley of the Yadkin. Findlay had actually been successful in reaching Kentucky in 1752; and now delighted Boone with his stories of the desirability of the country and the plentifulness of the game. The conjunction was a fortunate one in many respects. Boone was heavily in debt to his attorneys, the firm of Williams and Henderson, for legal services, and to other prominent citizens of Rowan County. Indeed he had been summoned to appear in Salisbury at the March term of court. John Findlay, John Stuart and Daniel Boone all came to Salisbury to attend court, Judge Henderson arriving on March 5.<sup>47</sup> The attested presence at Salisbury of Boone, Findlay and Stuart, three of the six explorers of Kentucky in 1769, simultaneous with Henderson, only a short time before the departure of Boone's party on their tour of exploration, makes it certain that the final conference to devise ways and means for the expedition was held at this time and place. Certain it is that on May 1, 1769, Daniel Boone as the confidential agent of Richard Henderson and Company, accompanied by five companions,

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<sup>46</sup> *N. C. Col. Rec.*, VII, 851-855. "Should they [the Cherokees] refuse to give it up," writes Johnson to Gage (December 16, 1768), with reference to the action at the treaty of Fort Stanwix, "it is in his majesty's power to prevent the colonies from availing themselves of the late session in that quarter, till it can be done with safety and the common consent of all who have just pretensions to it." Cf. Stone, *Life of Sir Willim Johnson*, II, 307; *Journals of the House of Burgesses of Virginia, 1770-1772*, preface, p. xix.

<sup>47</sup> Court records. See also "Diary of Waightstill Avery." *N. C. Univ. Magazine*, 1856. Judge Henderson left Salisbury for Hillsborough on March 16.

left his "peaceable habitation" on the Yadkin for a two years' exploration of Kentucky.<sup>48</sup>

Boone and Findlay visited Kentucky in 1769, not only to hunt and trap, but "for the purpose of examining the country."<sup>49</sup> Boone himself relates that he and Stuart, after getting settled in their camp, "proceeded to take a more thorough survey of the country";<sup>50</sup> and the entire course of Boone's actions during this period demonstrates that some powerful influence held him in Kentucky until his work of exploration was completed. Had Boone desired merely to discover a location for his own and neighboring families living at the Forks of the Yadkin, he might easily have discovered such a location in Madison and Garrard counties, which he first visited, or in the neighborhood of Station Camp Creek, in Estill County. Had he desired merely to hunt and fish and trap, he might well have found satiety in the proximity of his first camps. But there was a motive deeper than the desire to discover a location for a few families, or to range far and wide in search of game which was bounteous in plenty in his immediate vicinity. This motive was, assuredly, to employ Boone's own words, "to recruit his shattered circumstances"; and his financial obligations were to Williams and Henderson for legal services, and to other prominent citizens of Rowan County. The prosecution of the task of exhaustively exploring the Kentucky area was indubitably undertaken by Boone in the effort to meet these financial obligations.

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48 Aside from numerous authorities, from Peck, who studied Boone's career during Boone's own lifetime, down to the author of *The Winning of the West*, there is the testimony of those historical students who were fortified by the contemporary documents—Lossing, who examined the Transylvania papers lent him by President D. L. Swain, of the University of North Carolina, in 1856 (Swain's original letter to Lossing is now in the writer's possession); Hall, who examined the vast mass of evidence in the Hogg Papers, chiefly letters of the partners of the Transylvania Company; and Putnam, authentically informed through his intimate personal acquaintance with the early pioneers as well as through his unrivalled collection of pioneer documents. Thus, independently, from North Carolina, Kentucky, and Tennessee, the fact is related in identical form, from documentary evidence, as well as from personal record.

49 Filson.

50 "Memorial to the Legislature of Kentucky."

Disheartened by his disasters, his two captures by the Indians and the loss of all his peltries, Boone would otherwise have welcomed the opportunity to return to North Carolina with his brother Squire, who came out with supplies.<sup>51</sup> It is extremely likely, in the light of subsequent events, that Squire Boone bore a message from Henderson to Daniel Boone, urging upon him, now that he was in the country, to remain in it long enough to secure a more detailed knowledge of its geographical and topographical features. With Squire Boone, John Stuart and Alexander Neely as companions, Daniel Boone at once began that elaborate series of explorations ranging from the Kentucky River on the north to the Green and Cumberland rivers on the south. By the first of May, 1770, the exploration of Kentucky had only just begun; so that Boone, fixed in the resolve to accomplish the undertaking upon which he had been despatched, preferred to remain alone in Kentucky while Squire returned home. From this time forward, Daniel Boone ranges far and wide through north-central Kentucky, visiting the Big Lick and the Blue Lick, exploring the valleys of the Kentucky and the Licking, and traveling as far down the Ohio as the Falls, the present Louisville. In July and again in September, following a second return to the settlement for supplies, Squire rejoined Daniel in Kentucky, and from December, 1770, until March, 1771, they scouted through the southern and western portions of Kentucky, exploring the valleys of the Green and Cumberland rivers, and hunting in company with the Long Hunters, among whom were Kasper Mansker, who discovered the lick that bears his name, and Henry Skaggs, who, because of his knowledge of the Cumberland area, as reported by Boone to

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<sup>51</sup> Cf. Boone's *Autobiography* (Filson). It is problematical, but not unlikely, that Squire Boone was sent out with these supplies for Daniel Boone and party by the land company. It is noteworthy that Squire Boone was accompanied on his journey by one of the Neely family, Alexander, for whom Henderson had hitherto acted as legal counsel.

Henderson, was subsequently engaged to act as the agent of the land company, fixing his station at Mansker's Lick.<sup>52</sup>

On his return to North Carolina in 1771, Boone's glowing description of Kentucky "soon excited in others the spirit of an enterprise which in point of magnitude and peril, as well as constancy and heroism displayed in its execution, has never been paralleled in the history of America."<sup>53</sup> In 1772, the Watauga settlers secured from the Cherokee Indians, for a valuable consideration, a ten years' lease of the lands upon which they were settled. Boone, who had established friendly relations with James Robertson, communicated to Henderson the details of the leases and purchases which Robertson, Brown, and Sevier had made of the rich valley lands. After consulting with the Indians, Robertson informed Boone, acting as Henderson's confidential agent, that he believed, if the inducement were large enough, the Indians would sell. Following his own disastrous failure to effect individual colonization without attempting to secure by purchase the Indian title, in 1773, Boone in 1774 advised Henderson and his associates that the Cherokees were disposed to sell the Kentucky area.<sup>54</sup> Having previously assured himself of the legal validity of the purchase, and after personally visiting the Cherokee chiefs in their principal village to secure their consent to the sale, Henderson proceeded to reorganize the land company,

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<sup>52</sup> An exhaustive study of Boone's itinerary has been made by the present writer, in order to fix the exact route which he followed. In addition to the wealth of local materials, the Draper MSS., including Draper's Life of Boone, are rich in information on the subject. Through the personal investigations of Mr. John P. Arthur, of Asheville, N. C., who went over Boone's route in North Carolina, as well as the researches of the present writer, this portion of the route has recently been marked by the Daughters of the American Revolution under the direction of Mrs. J. Lindsay Patterson, of Winston-Salem, N. C. Cf. *Home and Country*, April, 1914; *Sky-Land*, September, 1914.

<sup>53</sup> Morehead's *Address*, at Boonesborough (1840).

<sup>54</sup> In a little newspaper, *The Harbinger*, published at Chapel Hill, N. C., in 1834, the venerable Pleasant Henderson, brother of Richard and fellow-pioneer with Boone at Boonesborough, writing from Tennessee, relates that in 1774 Richard Henderson was "induced to attempt a purchase of that country (the Kentucky area) from the Cherokee Indians through the suggestions and advice of the late Col. Daniel Boone."

first into the Louisa and then into the Transylvania Company. With the aid of his associates he carried through the treaty of Sycamore Shoals, purchased for £10,000 sterling the Indian title to the greater portion of the Kentucky area, and commissioned Boone to cut out a passage to the heart of Kentucky. Boonesborough became the focus of the great struggles for predominance on the Western frontier.<sup>55</sup> There was the struggle of the white man against the red man, of the colonial against the Briton. There was the struggle of the Transylvania Company, first against Royal authority, and then against the authority of Virginia. But deeper than all was the struggle between the spirit of individual colonization as embodied in the pioneers, and the spirit of commercial enterprise as embodied in the Transylvania Company. The conflict between the individualistic democracy of the pioneer and the commercial proprietorship of the Transylvania Company was settled only when George Rogers Clark, with iron hand, forced upon Virginia his own selection as virtual military dictator of the West. The drastic settlement of that conflict also made possible the most spectacular and meteoric campaign in Western history—closing only when Clark and his unterrified frontiersmen grounded their arms in Kaskaskia and Vincennes.<sup>56</sup>

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<sup>55</sup> Cf. the writer's *Life and Times of Richard Henderson*; "The Beginnings of American Expansion"; and "Forerunners of the Republic: Richard Henderson and American Expansion," *loc. cit.* In a supplementary paper, the present writer purposes to detail, *in extenso*, the history of this expansionist movement from 1772 onward. All the accounts hitherto given of this momentous episode in our national history are singularly fragmentary and inaccurate. The recent discovery by the present writer of many documents not hitherto accessible to historical students clarifies the entire situation. Only now for the first time is it possible to throw into true perspective Boone's abortive effort to invade Kentucky in 1773, his relation to the Transylvania Company in the capacity of confidential agent, Henderson's prudent procedure in securing the highest legal sanction for the purchase, the details of the "Great Treaty" of Sycamore Shoals, the invasion of Kentucky in 1775, and the subsequent history, both governmental and corporate, of the Transylvania Company.

<sup>56</sup> Henderson, "Forerunners of the Republic: George Rogers Clark and the Western Crisis," *Neale's Monthly*, June, 1913; James, *George Rogers Clark Papers, 1771-1781* (Ill. Hist. Soc. Publications, Vol. VIII); Turner, "Western State-Making in the Revolutionary Era," *AMERICAN HISTORICAL REVIEW*, I, 70-87, 251-269.

In his appeal to the Kentucky legislature, the octogenarian Boone says that he "may claim, without arrogance, to have been the author of the principal means which contributed to the settlement of a country on the Mississippi and its waters, which now (1812) produces the happiness of a million of his fellow-creatures; and of the exploring and acquisition of a country that will make happy many millions in time to come." The present research compels us to discount the high-flown language of the ancient petitioner for land. Boone was the pathfinder and way-breaker—wonderful independent explorer and equally skilled executant of the designs of others.<sup>57</sup> But to Henderson, Hart, Williams, and their associates, animated by the spirit of constructive civilization, rather than to Boone, with his unsocial and nomadic instincts, belongs the larger measure of credit for the inauguration of the militant expansionist movement of Western colonization. The creative causes of the Westward movement were rooted, not in romance, but in economic enterprise, not in Providence, but in political vision. It was the Transylvania Company which at its own expense successfully colonized the Kentucky area with between two and three hundred men; and with true revolutionary ardor defying the royal authority as expressed through the crown governors of the colonies of North Carolina and Virginia, exhausted all means, through appeals to the Continental Congress, to Patrick Henry, Jefferson, and the Adamses, and finally to the legislature of Virginia, in their ultimately fruitless efforts to create a fourteenth American colony. And yet, despite this failure, Henderson and his associates furnished to the world "one of the most heroic displays of that typical American spirit of comprehensive aggrandisement of which so much is heard to-day."<sup>58</sup> It is a coincidence of historic significance that just one day after the dropping musketry at Lexington and Concord was heard round the world, Henderson and his little band reached the

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<sup>57</sup> Cf. Henderson, "Forerunners of the Republic: Daniel Boone," *Neale's Monthly*, February, 1913.

<sup>58</sup> Hulbert, *Pilots of the Republic*.

site of the future Boonesborough. Here the colonists reared a bulwark of enduring strength to resist the fierce incursions of bands of hostile savages during the period of the American Revolution. Unquestionably the strenuous borderers, with their roving instincts, would in any event ultimately have established impregnable strongholds in the Kentucky area. But had it not been for the Transylvania Company and Daniel Boone, no secure stronghold, to protect the whites against the savages, might have been established and fortified in 1775. In that event, the American colonies, convulsed in a titanic struggle, might well have seen Kentucky overrun by savage hordes, led by English officers, throughout the Revolution. In consequence, the American colonies at the close of the Revolution would probably have been compelled to leave in British hands the vast and fertile regions beyond the Alleghanies.

## The Old North State

(*Carolina*)

BY MRS. JULIA E. CAIN.

Grand "Old North State," we love thee, we love thee,  
 From the blue skyland to the waving sea.  
 We love thy hills, thy streams, thy mountains grand—  
 Thy golden, waving fields, all o'er the land.  
 We are proud of thy forests, towering high,  
 Lifting their peaks aloft to the sky—  
 The sturdy oak, the long leaf pine,  
 The walnut, the maple, and the trumpet vine—  
 Thy luscious fruits and flowers rare,  
 With all the world beyond compare.  
 Oh! grand Old North State, we love thee, we love thee,  
 From the mountain top to the billowy sea!

We are proud of thy sons—aye, every one,  
 Who fought our battle and victory won,  
 Who stand for the right, who crush the wrong,  
 While bursts from their hearts sweet liberty's song;  
 Who justice and honor and truth proclaim,  
 Writing in history thy fair, good name.  
 Oh! grand Old North State, we are proud of thee,  
 From the mountain top to the billowy sea—  
 From Currituck to Cherokee!

We are proud of thy daughters, thy women grand,  
 Who bless our homes, all over the land,  
 In peace, in war, a patriotic band,  
 Working, giving, with true heart and hand.  
 Oh! grand Old North State, we bless thee, we crown thee,  
 From the blue skyland to the waving sea.

Thy flag doth wave all o'er the State,  
 Our hearts beat true, to liberty great,  
 And ready are we, at our country's call,  
 To defend our homes—our land, *aye all*.  
 Oh! grand Old North State, we *crown thee, we bless thee*,  
 From mountain top to the waving sea—  
 From Currituck to Cherokee!

## The Contributions of North Carolina to the Development of American Institutions\*

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Commencement Address at Wake Forest College, May 21, 1914, by Simeon E. Baldwin, M.A., LL.D., Governor of Connecticut; Professor of Law in Yale University; formerly President of the American Historical Association and of the American Political Science Association.

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There is no State of the Union which has not done something, good or bad, towards the development of American institutions; but the part thus taken by those of them who wear the proud title of the Old Thirteen is the most conspicuous. It is they in whose honor were devised the thirteen stripes upon our flag. The older and the newer States are alike represented by its stars: the stripes perpetuate the memory of the Old Thirteen alone.

It is they only who have a background of ancient history. I say ancient; for the creation of one of our newer States, born into purely American and republican surroundings, is separated from the first settlement of Plymouth or the Carolinas, under English and monarchical auspices, by a tract of time of whose length years are no measure.

One of our American historians has said, and not untruly, that the men of the colonial era undertook "to develop thirteen autonomous States out of as many land companies."<sup>1</sup> This was a harder task for the people of the two Carolinas than for those of any other of the colonies. Their charter scheme, as developed by the Proprietaries, was vitally un-English and un-American. So far as it bore the stamp of any nationality, it was Roman.

The first Earl of Shaftesbury who, as Lord Ashley, was one of the grantees in both the charters from Charles II.,

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<sup>1</sup> Chamberlain, *John Adams*, etc., 150.

was the author of the English *Habeas Corpus Act of 1679*, which has done so much to secure the freedom of the individual against the power of government. It is one of the paradoxes of history that he, ten years before, with the aid of his private secretary, the philosopher, John Locke, prepared the original constitution for the government of the Carolinas adopted by the Proprietaries, which, had the freemen ever really accepted it, would have set up here forever a formidable bar to the growth of republican institutions.

By its terms, you will recollect, a territorial nobility was set up, the highest in rank bearing the German title of Landgrave.

There was to be a parliament, meeting in one chamber, but by Article 79, "To avoid multiplicity of laws, which by degrees always change the right foundations of the original government, all acts of parliament whatsoever, in whatsoever form passed or enacted, shall, at the end of a hundred years after their enacting, respectively, cease and determine of themselves, and without any repeal become null and void, as if no such acts or laws had ever been made."

One provision which, if in force to-day, would be unpopular with some of this audience, was directed against lawyers. "It shall be," reads Article 70, "a base and vile thing to plead for money or reward; nor shall any one (except he be a near kinsman . . .) be permitted to plead another man's cause till before the judge in open court he hath taken an oath that he doth not plead for money or reward, nor hath nor will receive, nor directly or indirectly bargained with the party whose cause he is going to plead, for money or any other reward for pleading his cause."

By Article 95, no one could hold an estate or become a freeman, or even reside in the province, who did not acknowledge a God and that he is to be publicly and solemnly worshipped. This, no doubt, is the inherited cause for the clause in the present Constitution of North Carolina, debarring

atheists from office. But two other States now hold to that position.<sup>2</sup>

All elections, under the Locke scheme (Article 32), were to be by ballot. In 1760, this regulation, which had been continued in force until that time, was repealed and *viva voce* voting substituted. This brought North Carolina in line with England and most of the Southern colonies.<sup>3</sup> A few years later, however, she reverted to her original plan, and it was made the subject of a constitutional provision in 1776. Her Constitution of that year was the first which, in any State, required the ballot.<sup>4</sup>

In one respect, however, she differed from all these. Free negroes, born in the State, who paid public taxes, were held to be citizens, and entitled to vote at elections, if not before, certainly after the Constitution of 1776.<sup>5</sup> It was this, in fact, more than anything else, that occasioned the calling of the Constitutional Convention of 1835, by which their right of suffrage was taken away.

There is little else in the "Fundamental Constitutions" of 1669 of which any substantial trace survived the Revolution. They never went into full effect, and were substantially abrogated by the Lords Proprietors, in 1693. The division of the Carolinas into two provinces, followed by the surrender of the Proprietary title to the Crown, early in the eighteenth century, put an end to the aristocratic government devised by Shaftesbury and Locke. From that time on till 1776, the problems of North Carolina were the same with which the other English colonies had to contend.

As the tension of the bonds between them and the mother

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<sup>2</sup> Arkansas and South Carolina, Report of American Historical Association 1899, I, 121.

<sup>3</sup> McKinley, *The Suffrage Franchise in the Thirteen Colonies*, III.

<sup>4</sup> It had been a feature of the West Jersey Concessions of 1676-7, and of Penn's Frame of Government, promulgated in 1683.

<sup>5</sup> Thorpe, *Constitutional Hist. of the U. S.*, I, 176; *State v. Manuel*, 4 Dev. & Battle Law Rep., 25; Report of Am. Hist. Association for 1895, 276.

country increased, North Carolina was the first to declare herself in favor of throwing off allegiance to the British crown.

We may or may not take the view that the story of the Mecklenburg County resolutions of May 20, 1775, is a myth.<sup>6</sup> Legends are the foundations of history, and the date solemnly placed upon the great seal of North Carolina ought not lightly to be disregarded. But were we to accept all that has ever been claimed for the time of that action and the words in which it was expressed, Mecklenburg County could only speak for itself. On April 4, 1776, the provincial congress at Halifax spoke for the State at large. This body unanimously empowered the delegates from North Carolina in the Continental Congress to concur in action by that body, should it be taken, "in declaring independency and forming foreign alliances." She was thus, in the words of Bancroft,<sup>7</sup> "the first colony to vote an explicit sanction to independence."

In the Convention at Hillsborough, in the latter part of 1775, a further step had been advocated by many. Dr. Franklin's scheme for a permanent confederacy of all the colonies was brought forward by one of the delegates, but it was decided that such an organization ought only to be set up in the last necessity, and then only after consultation with the Provincial Congress.

Soon after the Declaration of Independence had created the United States of America, North Carolina elected a Convention to frame a Constitution. One of her most prominent citizens, Governor Burke, consulted John Adams, the leading authority in the country on the subject, in regard to the proper form to adopt. Adams advised placing the State on the footing of an independent sovereign; having a bicameral legislature; requiring annual elections; but choosing judges for

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<sup>6</sup> See the paper of Messrs. Salley and Ford. *Am. Hist. Review*, April, 1906.

<sup>7</sup> *Hist. of the U. S.*, V, 238.

life. It was a maxim of public science, he wrote, that "where annual elections end, there slavery begins."<sup>8</sup>

In general his recommendations were followed, and with the result that the Constitution for North Carolina outlasted every other of the Revolutionary period except that of Massachusetts, which was also modeled largely upon Adams' advice.

North Carolina had, under the Fundamental Orders (Art. 75), biennial elections. When these were superseded by Royal authority, annual elections were substituted, and this continued to be the scheme until 1836, when an amendment to the Constitution reestablished the original system.

In thus abandoning annual sessions, North Carolina led the way for the whole country. They are now retained in only two States.

On this anniversary day of one of her collegiate institutions, it is not to be forgotten that North Carolina was the first State of the American Union to put into her Constitution a provision for public education. Article XLI of that instrument, adopted December 18, 1776, declares "that a school or schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices, and all useful learning shall be duly encouraged and promoted in one or more universities." Only three other of the constitutions of this period contain any provisions on this subject.<sup>9</sup>

The establishment of the University of North Carolina, towards the close of the eighteenth century, was followed, in 1822, by the appointment of one of the Professors as State Geologist and Mineralogist. His report, as such, published in 1824 and 1825, on the Geology of the State, presented the first survey of such a nature made by any of the States,<sup>10</sup> and

<sup>8</sup> Life and Works of John Adams, I, 209, 211; IV, 195.

<sup>9</sup> Hildreth, Hist. of the U. S., III, 385.

<sup>10</sup> Dexter, *Yale Biographies*, VI, 593.

thus became the beginning of a long series of studies which have revealed to the country its natural sources of wealth.

The Constitution of 1776 required the chief officers of the State to be Protestants, or, at least, not to deny the truth of the Protestant religion. It also declared that all officers must acknowledge the inspiration of the Old and New Testaments. Only one other State did that. As time went on and the Roman Catholic church became stronger, some of its members were appointed to high office. They took the ground that a Roman Catholic, simply by being such, did not deny the truth of the Protestant religion: on the contrary, they said, he believed most of its doctrines, though adding more. William Gaston, when appointed to the bench, took this ground, and it was approved by Chief Justice Marshall and Chief Justice Ruffin, whom he consulted. To put the matter beyond the limits of question, the Constitutional Convention of 1835, after full debate, substituted for *Protestant* the broader term, *Christian*.<sup>11</sup>

Few now seriously dispute that under our system of government the courts have implied power to test the validity of every statute by the touchstone of the Constitution. We inherited this doctrine from the era of the Confederation, and the courts of North Carolina early came to its support. Her Constitution of 1776 guaranteed the right of trial by jury in all controversies at law respecting property. The General Assembly passed a statute requiring suits against purchasers of confiscated estates to be dismissed on motion. Such a motion was made in such a suit in 1786, and the court, a year later, denied it, on the ground that the law violated this constitutional guaranty, and was therefore void. The decision thus rendered was the second ever rendered in the English-speaking world to the point that if a written statute

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<sup>11</sup> Great American Lawyers, III, 72, 76, 111.

conflicts with a written constitution, the statute must give way.<sup>12</sup>

North Carolina was the first State to affirm the principle of freedom of incorporation for the promotion of a business enterprise. By an Act passed in 1795, she allowed any persons, who desired, to incorporate themselves for the purpose of building and maintaining canals.<sup>13</sup> This was the first legislation of the kind since the beginnings of the Roman empire.<sup>14</sup> Other of the American States had before allowed individuals to incorporate themselves for certain charitable purposes. It was the far-sighted policy of North Carolina, which extended this principle to organizations for business purposes. They builded better than they knew. Soon followed elsewhere, in and out of the United States, it was destined, during the next century, to work a world-wide economic revolution.

In one respect North Carolina, in my opinion, has exercised an unfortunate influence on our judicial institutions. The English-speaking nations stand alone in the world in their division of the functions of a decider of civil causes between one man, whom we call a judge, and a dozen others whom we call a jury. By the common law of England, from whom we derived this practice, the judge had a double duty: to decide any points of law that might be raised, and to guide the jury on the path to a right conclusion on the facts. Legal questions on which counsel seriously differed seldom occurred; but disputes as to the facts of the case were incident to every jury trial. The English judge was accustomed to express his

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<sup>12</sup> *Bayard v. Singleton*, Martin's Reports, 48; Baldwin on *The American Judiciary*, 100, 110; Coxe on *Judicial Power and Unconstitutional Legislation*, 248. The court also relied on the supremacy of the Articles of Confederation. The next Legislature (November, 1787) enacted that the treaty with Great Britain was part of the law of the land, and to be enforced in all courts accordingly. Stat., Rev. of 1819, I, 559. See the history of the first decision (given in New Jersey in 1780, in the case of *Holmes v. Walton*), in the American Historical Review, IV, 456.

<sup>13</sup> Chapter 432, Laws of North Carolina, Ed. 1821, I, 769.

<sup>14</sup> Report of the American Historical Association for 1902, I, 274.

own opinion, if he thought it would promote a proper decision as to what facts really had been established by the proofs, and how far these were, if found by the jury to exist, controlling in their effect. In 1796, North Carolina, which, down to that time, had followed in this respect the rule of the common law, abrogated it. Chief Justice Ruffin, soon afterwards, in a well-known case, did what he could to minimize the effect of this statutory prohibition of an ancient practice.<sup>15</sup> But legislatures are stronger than judges. The Act of 1796 in North Carolina set up one of the early precedents in support of diminishing judicial power, which have gradually, in most of our States, made the American jury a very different thing from the jury of the common law.

The courts of North Carolina rendered an important service to the country, in leading the way towards placing the American law of charities on a broad foundation. It was long a question of warm dispute at the bar, whether our courts of equity had the jurisdiction over charitable trusts possessed by the English Chancellors, independently of the ancient statute of charitable uses, passed in the reign of Queen Elizabeth. In 1819, the Supreme Court of the United States, in an elaborate opinion by Chief Justice Marshall, took the negative view. If this precedent were to be generally followed, and the statute made the sole test of what was a lawful charity, many bequests for worthy purposes would be sure to fail. The next year, after full argument, the English doctrine as to equity jurisdiction was recognized in the Supreme Court of North Carolina.<sup>16</sup> Other States followed the reasoning which had led to this result. Horace Binney, one of the greatest of American lawyers, by his researches in the rolls of the English Chancery, demonstrated before the Supreme Court of the United States, in the Girard College case, that Marshall was wrong. The great Chief Justice's decision was

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<sup>15</sup> *State v. Moses*, 13 North Carolina Law Reports, 452.

<sup>16</sup> *Griffin v. Graham*, 8 North Carolina Law Reports, 96.

finally overruled, and the North Carolina doctrine of charities established in its place.<sup>17</sup>

North Carolina was the last of the States represented in the Constitutional Convention of 1787 to ratify its work. She was also the last State to become a member of the Southern Confederacy. The cause of delay, in both cases, was, at bottom, the same. It was her conviction that, in large affairs, existing political relations ought not to be disturbed without strong cause. It was political conservatism. It was the quality which made her and South Carolina, her early sister, the only States which maintained a general property qualification for office until after the Civil War.<sup>18</sup>

When the Federal Convention met, in 1787, North Carolina was in territory the largest State but one<sup>19</sup> of the Old Thirteen. Her geographical conditions justified the statement, in the official report of her delegates to the Governor of the doings of the Convention, that North Carolina was doubtless the most independent of the Southern States, for her people were able to carry her own produce to market.<sup>20</sup> Being thus independent in her position, she offered the fairest field for the last battle ground against those who in 1787 were for the entire reconstruction of the government of the United States. She naturally stood for State sovereignty in everything where it was not vitally necessary to accord supremacy to the States acting together, or to the people of all of them,<sup>21</sup> speaking in each.

At the time when North Carolina was to express her judgment on the merits of the new Constitution, two great men were contending for the mastery in the arena of theoretical politics: Jefferson and Hamilton. North Carolina sided from the first with Jefferson. He was representing us abroad in

<sup>17</sup> *Russell v. Allen*, 107 United States Reports, 163, 167.

<sup>18</sup> Report of the Am. Historical Association for 1899, I, 114.

<sup>19</sup> Georgia.

<sup>20</sup> Farrand, *Records of the Federal Convention*, III, 84.

<sup>21</sup> Report of the American Historical Association for 1905, I, 104; see State Records of N. C., I, 390.

1788, but wrote to his friends here that he favored the ratification of the new Constitution by nine States, which would insure an organization under it, and rejection by the other four, unless and until it was strengthened by a bill of rights.<sup>22</sup> Under the leadership of Willie Jones, the first Constitutional Convention, held in that year at Hillsborough, substantially followed this advice. Without either ratifying or rejecting the new Constitution, it declared that bill of rights and twenty-six amendments ought to be laid before Congress and a new Convention of the United States that should or might be called for such purposes of amendment. The most important of the principles thus put forward were incorporated in the Constitution, on the recommendation of the first Congress, secured largely by the action of North Carolina in refusing an unconditional ratification.

Hardly had the Supreme Court of the United States been organized when suits were brought in it against several of the States to collect debts due from them to citizens of other States. Chief Justice Marshall, as a member of the Virginia Convention, had declared that the Constitution gave no authority for such actions. Hamilton had taken the same ground in the *Federalist*.<sup>23</sup> With only one dissenting opinion, however, the Justices of the Court took the other view. This dissent was by Mr. Justice Iredell of North Carolina. The States, he said, were sovereign as to all matters concerning which sovereignty had not been granted to the United States. It was the settled law that a sovereign could not be sued in court. Consequently the States, being sovereign, could not be so sued, except in the few cases specially authorized in the Constitution of the United States. The plaintiff in the case at bar was a private citizen suing for a contract debt. There was no special authority for such a suit, and therefore, in his opinion, it should be dismissed.

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<sup>22</sup> Jefferson's Writings, Library Ed., XVIII, 14; Bancroft, *History of the Constitution*, II, 459, 460; Elliott's Debates, IV, 226.

<sup>23</sup> Thorpe, *Constitutional History of the United States*, II, 266, *et seq.*

A storm of protest swept over the United States when the decision of the Court was announced. Governor Hancock, of Massachusetts, one of the States that had been sued, called a special session of the Legislature to consider the matter, and declared that this new doctrine tended to a consolidation of all the States into one government "which would at once endanger the nation as a Republic, and eventually divide the States united."<sup>24</sup> The speedy result was the adoption of the Eleventh Amendment to the Constitution, which prevented any such suits for the future, and struck out of existence those already brought.

The United States, under the Articles of Confederation, were what a recent English writer has declared that every independent nation is—"the organization of organizations."<sup>25</sup> They were a feeble organization of thirteen strong organizations. The ordinary nation has for its constituents all its people, but they are organized politically in various territorial divisions, such as counties, towns, and cities, and socially in various business, or ecclesiastical, or institutional divisions. Some of them are associated in the form of banks, or railroads; others as or around universities; as churches and dioceses; or as societies of a less formal character for promoting particular theories of human conduct.

The constituents of the United States of the Revolution and of the Confederation were thirteen peoples, not one. Each of these peoples were grouped in different forms of organization, under a local government of their own; but the United States, as such, claimed no authoritative jurisdiction over any of these groups in any State, and had none over the State itself.

The Constitutional Convention of 1787 attempted a compromise between those who were for abandoning this system of government entirely, and those who thought it could be strengthened and preserved. It is certain that the great

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<sup>24</sup> Thorpe, *Constitutional History of the United States*, II, 290.

<sup>25</sup> Lindsay, *The Political Quarterly*, I, 140.

majority of the people of North Carolina were originally opposed to the ratification of the Constitution. The Hillsborough Convention of July 21, 1788, would probably have voted it down without debate, had it not been for the influence of James Iredell.<sup>26</sup> She had found herself strong enough, alone, to handle a very serious insurrection by the suppression of the "Regulators," and later to put down the rising designed to found the new State of Franklin, and to convict, in 1787, its leader, John Sevier, of high treason. During the Revolution, she had seen most of the Regulators siding with the British, and feeble as the government of the United States then was, she had found herself, with the aid of that government, still able to cope with any invading force, and all their Tory auxiliaries.<sup>27</sup> Her worst enemy was her own over-issues of paper money, and with that problem, she, like Rhode Island, preferred to deal for herself. Why then should she join the States which were seceding from a confederation which by its terms, to which each had solemnly agreed, was to last perpetually?

The leaders of North Carolina so far had held its course steadily, from the first, in one direction: away from aristocracy; towards popular institutions. They endeavored to make, and they did make, the new government more closely a government of the people, before accepting its authority.

Any strongly marked national characteristic that makes for good is a national asset. It endears the State to its people. It is their voice. It speaks the habit of their mind. In the case of a private business concern, long established and well reputed, a part of its property, well recognized by law, is the good will of those who know on what principles it has been conducted. Much more is the good will of its people of value to a State. That spirit of conservatism which has always marked North Carolina has helped to steady the course of

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<sup>26</sup> Elliott's Debates, IV, 4.

<sup>27</sup> Life and Works of John Adams, VII, 308; Report of Am. Hist. Association for 1894, 180, 209; Winsor, *Narrative, etc., Hist.*, VII, 190; Tarleton's Campaigns, 119, 270; State Records of N. C., I, xiv, xviii.

American government. It was fostered by the circumstances of her earlier history. It was strengthened by the nature of her main industry. Agriculture binds the man to the land, and in the land there is something of the eternal and unchangeable. Conservatism detaches itself from the transitory. It makes for unity in political action. It is unwilling to have untried forms of government imposed upon it. It distrusts abstract philosophies, unripened by time.

There is a certain unity in the history of North Carolina. The Royal province, of which she originally formed a part, soon broke in two: South Carolina followed the ways of cities; North Carolina those of the country and the farm.

Half a century later North Carolina broke in two. The people of the mountains pushed the frontier Westward and laid the foundations of Tennessee. For the people on the Atlantic slope, the current of industry followed the waters toward the sea. Agriculture added to itself commerce and manufacture.

The twentieth century came. It found North Carolina still mainly a State of the country and the farm, but, towards the West, of a rough country and rocky farms. The everlasting hills still stood as they were two hundred years before, the home of sturdy mountaineers, largely reflecting the manners and the ideals of the American of two centuries before.

It is no bad thing for a State to have representatives of the thought of the eighteenth century uniting for the shaping of her institutions with representatives of the twentieth. On the one hand, it assures the permanence of popular government: on the other, it guarantees the benefit of whatever new means time brings to make popular government more truly by the people and for the people.

I come from a State which calls itself the Land of Steady Habits. North Carolina and Connecticut were alike chartered by Charles the Second. He gave to North Carolina a charter of aristocracy, and to Connecticut a charter of democracy. He gave to North Carolina the harder task. She

must win for herself what was the birthright of Connecticut. How has she marked her progress to the goal?

Let me recapitulate what seems to me the highest of her achievements. In what great things did she press forward first, and set the pace?

1. In declaring for independence of Great Britain, in April, 1776.

2. In providing by her Constitution of December, 1776, for a secret ballot, and for public education at public cost.

3. In passing, in 1795, the first general incorporation law for business purposes since the time of the Roman empire.

4. In discarding annual for biennial elections, in the amendments to her Constitution in 1835.

The first step, if anything, it costs something to make. These five steps that I have mentioned, each in its day, worked a great innovation in American institutions, and one of them—that towards freedom of incorporation—in universal political science.

We of other States are glad in these things to recognize the primacy of North Carolina, and to congratulate her on the public service she thus has done to the country and the world.

## Sir Walter Raleigh as a Poet

BY NINA HOLLAND COVINGTON.

When that gorgeous Pageant, the Age of Elizabeth, comes upon the stage of history, there is no more splendid figure among the actors than that of Sir Walter Raleigh, who makes his spectacular appearance before the queen by throwing his velvet coat upon the muddy ground so that she may walk over dry-shod. Characteristic indeed of the man and of the age is this anecdote of Raleigh's young years. The romantic courtier lived in a period well suited to his varied talents and accomplishments, for it was an age of war, of exploration, of colonization, of learning, of wit, of extravagance in speech and dress, and an age which gave fullest encouragement to literature.

Perhaps the most important thing in Raleigh's career as it affected history was the fact that he made numerous attempts to establish settlements in America, and although these settlements were not permanent, nevertheless, as has been so well said,\* "You cannot measure great events with a yardstick. Men die, ideas are immortal. The idea of another England beyond the Atlantic, conceived by the master mind of Sir Walter Raleigh, was the germ from which, through the development of three centuries, has evolved the American nation of the twentieth century. There is a vital connection, both physical and spiritual, between Roanoke and Jamestown. Among those who founded Jamestown were ten of the men who had co-operated with Raleigh in the settlements at Roanoke. In these men we have the physical connection between the two, while to the idea conceived by Raleigh and to the spirit of conquest and colonization which his attempts on this island called into existence, the English race in Europe, in Asia, Africa and Australia and the islands of the sea, and in America, owes the world-wide prominence which it to-day

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\*R. D. W. Connor "*Sir Walter Raleigh and His Associates*," Booklet, Vol. X 1, No. 3.

enjoys among the races of mankind. Nothing can be clearer, therefore, than that we, in looking back over the events of the last three centuries, can hail the Roanoke settlements as the beginning of English colonization in America and throughout the world."

But though Sir Walter Raleigh is most important as a colonizer, that was but one side of this versatile hero of history, for he was also a courtier, soldier, manager of men, explorer, business man, historian and poet. Perhaps his poetry has not been, after all, very important in English literature, and he certainly is not well known as a poet, nor can he be ranked as one of the great poets of England, but still there is merit enough in his verse to lift it far above mediocrity.

The poems of Raleigh that have come down to us are not numerous. The "Cynthia" has long been lost, and there are only about twenty other poems which can be correctly ascribed to him. No attempt was made in Raleigh's lifetime to collect his poems, and, for some time after his death, his poetry was not considered important enough to be preserved. In the first collection of his poems there were only three poems; in the second there were only nine. It has taken careful research work to gather together these long neglected poems of Raleigh, and there is still dispute among critics and literati as to whether certain poems generally accepted as Raleigh's are really his or not. It is not often that men of action have either time or inclination to write verse. It is the man who has leisure to dream dreams, and to think deeply over the mysteries of nature and humanity who usually gives the world its great poems. But still, Sir Walter Raleigh, busy as he was during the years in which most of his poetry was written, wrote, besides the long poem "Cynthia," about twenty other poems which are of interest and literary value. The poem "Cynthia" itself must have contained, it is thought, about ten thousand lines—equal in length to two books of the "Faery Queene."

Spenser, who acknowledges that he owed much to his inter-

course with Raleigh (they were neighbors in Ireland), and who was most grateful for Raleigh's encouragement as the "Faery Queene" was being written, dedicated the first three books to Raleigh with the sonnet which begins:

"To thee that are the summer's nightingale  
Thy sovereign Goddess's most dear delight."

And Raleigh appended to these first three books of the "Faery Queene" the sonnet which begins:

"Methought I saw the grave where Laura lay,  
Within that temple where the vestal flame  
Was wont to burn: and, passing by that way,  
To see that buried dust of living fame,  
Whose tomb fair Love and fairer Virtue kept,  
All suddenly I saw the Faery Queene,  
At whose approach the soul of Petrarch wept;  
And from thenceforth those graces were not seen  
For they this Queen attended, in whose stead  
Oblivion laid him down on Laura's hearse,  
Hereat the hardest stones were seen to bleed,  
And groans of buried ghosts the heavens did pierce;  
When Homer's spright did tremble all for grief  
And cursed the access of that celestial thief."

a sonnet which, though it is far too extravagant in sentiment, nevertheless contains some fine lines. Milton admired it, and imitated it in his sonnet beginning:

"Methought I saw my late espoused saint  
Brought to me like Alcestis from the tomb."

Marlowe's well known pastoral poem, "The Passionate Shepherd to his Love," called forth a reply from Raleigh that was musical, bright and clever, with that touch of bitterness that so many of the Elizabethan lyric poets affected. It was written probably in 1599, and mentioned and quoted in Walton's "Complete Angler" in 1653 as a poem "made by Sir Walter Raleigh in his younger days."

Belonging also to Raleigh's younger period is the beautiful elegy on Sir Philip Sidney, which would alone give him a place in English literature. Edmund Gosse says of it: "It blends the passion of personal regret with the dignity of public grief as all great elegiacal poems should. One stanza might be inscribed on a monument to Sidney:

“England withhold thy limits, that bred the same;  
 Flanders thy valour, where it last was tried,  
 The camp thy sorrow, where the body died;  
 Thy friends thy want: the world thy virtue's fame.”

The poem over the authorship of which there has been so much dispute, “The Lie,” is, like all of Raleigh’s poems, dignified in tone, and has that independent, spirited air which doubtless Puttenham meant to describe when he said, in his “Art of English Poetry,” “For ditty and amorous ode, I find Sir Walter Raleigh’s vein most lofty, insolent, and passionate.” It is not known exactly when “The Lie” was written, but it seems probable that it belongs to that period of his first imprisonment in the Tower after his secret entanglement with Elizabeth Throckmorton. The first two stanzas will show the character of the piece. Bitter, haughty, defiant in tone, smooth and rippling in measure, it easily takes its place among the striking poems of our language, and is important as being representative of the poetry of the period. For, extravagance of expression, smoothness of phrase and rhythm, with a slight cynicism, were the characteristics of the lyric poetry of this age of English literature:

“Go, Soul, the body’s guest,  
 Upon a thankless arrant:  
 Fear not to touch the best;  
 The truth shall be thy warrant.  
 Go, since I needs must die,  
 And give the world the lie.

Say to the court, it glows  
 And shines like rotten wood:  
 Say to the church, it shows  
 What’s good, and doth no good:  
 If church and court reply  
 Then give them both the lie.”

And particularly interesting to us, because it seems rather bold on Raleigh’s part, and more openly defiant than he ever expressed himself elsewhere, is the third stanza:

“Tell potentates, they live  
 Acting by others’ action.  
 Not loved unless they give—  
 Not strong, but by a faction:  
 If potentates reply  
 Give potentates the lie.”

Entirely different from this is "Sir Walter Raleigh's Pilgrimage," which is perhaps the best known of his poems. The poem is very beautiful and full of striking metaphors. The last stanza is especially interesting and startling, and from what is implied there this poem is often said to have been written the night before he died. But most critics seem to agree that it belongs to the time following the trial at Winchester when Raleigh, having been convicted of treason, thought that the king would have him immediately executed. And Raleigh's supposed accomplices, Markham, Gray and Cobham, were actually led out before his (Raleigh's) very eyes for their execution, and then, on the scaffold, their lives were saved by the king's pardon. This was on the tenth of December, 1603. Gosse, Archdeacon Hannah and others think that the "Pilgrimage" was written on the night of the ninth of December.

#### SIR WALTER RALEIGH'S PILGRIMAGE

Give me my scallop-shell of quiet,  
 My staff of faith to walk upon,  
 My script of joy, immortal diet,  
 My bottle of salvation.  
 My gown of glory, hope's true gage;  
 And thus I'll take my pilgrimage.

Blood must be my body's balmer;  
 No other balm will there be given;  
 Whilst my soul, like quiet palmer,  
 Travelleth towards the land of heaven;  
 Over the silver mountains,  
 Where spring the nectar fountains:  
 There will I kiss  
 The bowl of bliss;  
 And drink mine everlasting fill  
 Upon every milken hill.  
 My soul will be a-dry before;  
 But after, it will thirst no more.  
 Then by that happy blissful day,  
 More peaceful pilgrims I shall see,  
 That have cast off their rags of clay,  
 And walk apparelled fresh like me.  
 I'll take them first  
 To quench their thirst  
 And taste of nectar suckets,  
 At those clear wells  
 Where sweetness dwells,  
 Drawn up by saints in crystal buckets.

And when our bottles and all we  
 Are filled with immortality,  
 Then the blessed paths we'll travel,  
 Strowed with rubies thick as gravel;  
 Ceilings of diamonds, sapphire floors,  
 High walls of coral and pearly bowers.  
 From thence to heaven's bribeless hall,  
 Where no corrupted voices brawl;  
 No conscience molten into gold.  
 No forged accuser bought or sold,  
 No cause deferred, no vain-spent journey,  
 For there Christ is the king's attorney,  
 Who pleads for all without degrees,  
 And He hath angels, but no fees.  
 And when the grand twelve million jury  
 Of our sins, with direful fury,  
 Against our souls black verdicts give,  
 Christ pleads His death, and then we live.

Be thou my speaker, taintless pleader,  
 Unblotted lawyer, true proceeder!  
 Thou givest salvation even for alms;  
 Not with a bribed lawyer's palms.  
 And this is mine eternal plea  
 To Him that made heaven, earth, and sea,  
 That since my flesh must die so soon,  
 And want a head to dine next noon,  
 Just at the stroke, when my veins start and spread,  
 Set on my soul an everlasting head!  
 Then am I ready, like a palmer fit,  
 To tread those blest paths which before I writ.

Of death and judgment, heaven and hell,  
 Who oft doth think, must needs die well."

The references to his trust in God that occur in the "Pilgrimage" are found in all of the writings of the latter part of Raleigh's life. Beginning his career as gay courtier, with so little care or reverence for religion and God that people spoke of him as an atheist, the troubles of his last years seem to have made him deeply religious. In that remarkable unfinished attempt of his, "The History of the World," we have frequent passages to show how prominent a part reliance upon God was playing in Raleigh's life during those thirteen long years of his imprisonment.

In regard to the lost poem "Cynthia," written to Queen Elizabeth, and in her praise, Gosse says, "The long passage which we have in Raleigh's poem, *The Continuation of Cynthia*, is, I think beyond question, a canto almost complete of the lost epic of 1589. It is written on the four line

heroic stanza adopted ten years later by Sir John Davies for his *Nosce teipsum*, and most familiar to us all in Gray's "Elegy." Moreover it is headed "The Twenty-first and Last Book of *The Ocean to Cynthia*." Another note in Raleigh's handwriting styles the poem "The Ocean's Love to Cynthia," and this was probably the full name of it. Spenser's name for Raleigh, the Shepherd, or pastoral hero, of the Ocean is, therefore, for the first time explained. The twenty-first book suffers from the fact that the stanzas, but apparently not many, have dropped out in four places. With these losses, the canto contains 130 stanzas, or 526 lines. Supposing the average length of the twenty preceding books to have been the same, *The Ocean's Love to Cynthia* must have contained at least ten thousand lines. Spenser, therefore, was not exaggerating, or using the language of flattery towards a few elegies or a group of sonnets, when he spoke of *Cynthia* as a poem of great importance. As a matter of fact, no poem of the like ambition had been written in England for a century past, and if it had been published, it would perhaps have taken a place only second to its immediate contemporary, "The Faery Queene." Archdeacon Hannah places the poem, *The Continuation of Cynthia*, in his volume of Raleigh's poems, as belonging to the era of 1603-1618—Raleigh's years of imprisonment—and includes, with the "long passage" mentioned by Gosse, two fragments which lead him to this conclusion. Gosse thinks the fragments were written in this period, but that they have nothing to do with "Cynthia," since the meter is entirely different. Gosse is probably correct in his view—the meter proof being almost conclusive evidence that the fragments do not belong to the "long passage." However that may be, the long passage of "The Continuation of Cynthia" is in the same vein and meter as the lost part of "Cynthia," and gives us a good idea of the character of that poem.

To describe, then, this part of "Cynthia," is to describe the whole poem. Soft and subdued in tone, worshipful, but not merely flattering in sentiment, with the gentle, sad movement

of the elegiac meter and containing some of the most beautiful imagery we can find in his poems, the fragment that we have makes us regret deeply the loss of the whole.

In August, 1618, the year of his death, Raleigh wrote his "Petition to the Queen, Anne of Denmark." Anne made an effort to save him, but in vain. On October 28 he was executed. The poem is the last appeal of a doomed man to his queen, and the sad, resigned tone of his petition seems to indicate that he feared the appeal would be in vain. It closes with these pathetic lines:

"If I have sold my duty, sold my faith  
To strangers, which was only due to One;  
Nothing I should esteem so dear as death.  
But, if both God and time shall make you know,  
That I, your humblest vassal, am oppressed,  
Then cast your eyes on undeserved woe;  
That I and mine may never mourn the miss  
Of Her we had, but praise our living Queen,  
Who brings us equal, if not greater bliss.

On the night before his execution Raleigh wrote the last poem of his life after bidding farewell to his faithful wife, the Elizabeth Throckmorton, for whose love he had forfeited his place as one of the favorites of Queen Elizabeth:

"Even such is time, that takes in trust  
Our youth, our joys, our all we have,  
And pays us with but earth and dust;  
Who, in the dark and silent grave,  
When we have wandered all our ways,  
Shuts up the story of our days;  
And from this earth, this grave, this dust,  
My God shall raise me up, I trust."

On the chill morning of October the twenty-ninth, 1618, Raleigh went out so bravely to his death that those who witnessed it have handed down to posterity in words of admiration and praise the account of the glorious end of Sir Walter Raleigh.

And so died on the scaffold one of England's bravest, most progressive, patriotic and learned men. Upon the history of France is the stain of the blood of Joan of Arc. The darkest blot upon England's pages of history is the execution of Sir Walter Raleigh.

## Biographical and Genealogical Memoranda

Compiled and Edited by MRS. E. E. MOFFITT.

### ARCHIBALD HENDERSON.

A biographical and genealogical sketch of Dr. Archibald Henderson appeared in the October number of *THE BOOKLET* in 1912. Since that time the subject of this sketch has added volumes to literature. It becomes necessary and highly proper that the continued activity be noted in *THE BOOKLET* of any one of our contributors, many of whom are young—not yet in the zenith of life. Dr. Henderson's contribution this month is his brilliant historical essay: "The Creative Forces in Westward Expansion: Henderson and Boone." Like other of his creations, it will be hailed with delight by our readers. It is due to Dr. Henderson to record here the various activities that have won for him the distinguished place he holds in the literary world.

The literary passions of his childhood were Joel Chandler Harris ("Uncle Remus") and Samuel L. Clemens ("Mark Twain"). *Tom Sawyer* and *Huckleberry Finn*, the latter his favorite of all others, he came almost to know by heart. He happened one day to read that William Archer, the great English critic, said that "*Huckleberry Finn* was the best story written on either side of the Atlantic in the preceding twenty-five years." This dictum so expressed his own deliberate, if immature, conviction that it awakened in him a genuine respect for literary criticism. The incident marks the beginning of his concern for literary criticism.

He read Cooper's and Scott's works, and in fact read almost everything coming under his eye in his father's extensive library, except "Les Misérables," that enormous tome which looked too formidable to tackle. Later it appealed to him on a rainy day as the last resort. He read uninterruptedly until the word "Finis" stared him in the face! Well for him; its moral purpose and uplifting idealism made a profound and

lasting impression upon him. For the future he resolved to judge a book not by its physiognomy, not solely in terms of literary art, but also in terms of humanistic purpose.

With a father's influence as a churchman, instilling into him the principles of honor, uprightness and truth; a mother's and grandmother's influences as idealistic preceptors, the young lad grew up under such examples as laid the foundation for manhood's success.

This sketch would be incomplete if there were omitted mention of an occurrence that had much to do with shaping his career. After marriage in 1903, at which time he received only the meagre emoluments apportioned an associate professor in a university, he realized the need of adding to his exchequer, and accordingly he resorted to his pen in the effort to balance the deficit. He wrote for the clever magazine, *The Readers*, an essay two and a half pages long entitled "*The Present Vogue of Mr. Shaw.*" Imagine his surprise shortly afterwards to receive a check for \$25.00. In his heart he never really dreamed that any one would look at his writings. Thus encouraged by this tangible recognition, he began writing under the *nom de guerre* of "Erskine Steele" essays for different papers. These essays awoke great curiosity and provoked high tributes for the unknown author. It was some years before the original of "Erskine Steele" became known to the public. During that period he had won a place for himself in the national magazines over his own signature.

With the best advantages for a fine education, a retentive memory, patient industry and deep penetration, Dr. Henderson may be justly described an exceptionally erudite man.

As publicist, he has worked unremittingly, and often at considerable financial sacrifice, for the uplift of his State and the South.

As scientist, he has made important contributions to mathematical journals, and won the recognition of such famous

institutions of learning as Cambridge University (England) and the University of Chicago.

As man of letters, he has won the reputation of being the leading critic of the modern drama in the United States.

As public speaker, he is sought all over the country; a leader in this line.

As historian, he is the acknowledged authority on the movement of Westward Expansion during the period from 1750 to 1800.

Dr. Henderson raised the funds to erect a great memorial to "O. Henry," North Carolina's greatest man of letters. He has labored to honor North Carolina and her genius always; and has written appreciations of Christian Reid, John Charles McNeill, Margaret Busbee Shipp, O. Henry, etc.

He has been a pioneer in North Carolina in advocacy of woman suffrage. His writings on suffrage have attracted national attention. He has made able speeches in North Carolina on the subject.

He has written much since October, 1912. His article, "The Creative Forces in Westward Expansion," appeared in the *American Historical Review*, October, 1914. He has been invited to be a contributor to the *Mississippi Valley Historical Review*. His article, "The Invasion of Kentucky" (1775), appeared in the last issue of that magazine (1914). His article on George Washington and the Declaration of Independence appeared in the *North Carolina Review*, February, 1912.

"The Mecklenburg Declaration of Independence," *Journal of American History*, Vol. VI, No. 4 (October-December, 1912).

"Forerunners of the Republic," *Neale's Monthly* (N. Y.), January-June, 1913.

"Richard Henderson: His Life and Times," *Charlotte* (N. C.) *Observer*, Sunday issues, March 9 to June 1, 1913.

"Daniel Boone and the Wilderness Trail," published in *Salisbury Evening Post*, July 4, 1914.

"The Inauguration of Westward Expansion," in *News and Observer* (Raleigh), July 5, 1914; *Charlotte Observer* (Charlotte), July 5, 1914.

"European Dramatists" came from the press on December 20, 1913. This work consists of a collection of essays which treat of six representative modern dramatists outside of the United States, some living, some dead—Strindberg, Ibsen, Maeterlinck, Wilde, Shaw and Barker. For this work Dr. Henderson has received the highest tributes from scholars, dramatists, newspapers and magazines. Edwin Markham's recent pronouncement that Archibald Henderson "stands today as the chief literary critic of the South and in the forefront of the critics of the nation," calls especial attention to the new book. *The Pall Mall Gazette*, of London, says: "Dr. Henderson is one of the most vivacious of the younger writers of the day on matters of the theatre, and here he is at his liveliest."

Dr. Henderson keeps entirely abreast with the times. He is a member of the "American Historical Association," "Mississippi Valley Historical Association," "Ohio Valley Historical Association," "North Carolina State Literary and Historical Association," "North Carolina Sons of the Revolution," and although entitled to membership in, he has not yet joined, the "North Carolina Society of the Cincinnati."

Dr. Henderson was recently honored by being chosen national representative of the "Drama League of America" for the States of North Carolina and South Carolina. He is a member of the Drama League of America, the Poetry Society of America, and the Author's Club of London.

During the last ten years, in addition to the books which he has published, Dr. Henderson has published considerably over one hundred essays. These have appeared in five different languages, in great magazines and representative journals throughout the world. This great productivity and

publication in so many countries have contributed much to building up his European reputation as a literary critic.

Dr. Henderson's latest achievement was the materialization of his efforts to commemorate the work of "O. Henry" (William Sidney Porter), a native of Greensboro, N. C., considered the greatest American short-story writer of his day.

It was December 2, 1914, when, under the auspices of the State Literary and Historical Association of North Carolina, there was presented to the State a bronze memorial tablet to "O. Henry," designed by the famous American sculptor, Lorado Taft, and purchased with funds raised by popular subscription.

It has recently been stated that there are States in the Union which buy twenty-five copies of Dr. Henderson's books for every one copy sold in North Carolina. His writings are doubtless better known in Boston, New York, Chicago, Cincinnati and Philadelphia than they are known in Raleigh, Charlotte, Greensboro, Wilmington, and Winston-Salem; and they are more widely read in England, Germany and Norway than in North Carolina.

Dr. Henderson's latest book is "The Changing Drama." The reputation won by him as a dramatic critic—in particular of the modern drama—is evidenced by the fact that many hundreds of copies of "The Changing Drama" were sold in advance of publication (October 31, 1914). Already this book is hailed by critics as the ablest and most brilliant book on the modern drama ever written by an American, and regarded by many as "the standard work on the subject."

On the 23rd of June, 1903, Dr. Henderson was married to Miss Minna Curtis Bynum, of Lincolnton, N. C., a lady of rare accomplishments, having been awarded the degrees B. A. and M. A. from the University of North Carolina in June, 1902. She is the daughter of the late Rev. Wm. Shipp Bynum, a noted Episcopal preacher of his day. Mrs. Henderson, herself a woman of brilliant literary attainments, is the helpmate of her husband in his literary work, and indeed "the sum of all that makes a just man happy."

### \*GOVERNOR SIMEON EBEN BALDWIN.

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Hon. Simeon Eben Baldwin, Governor of Connecticut, was born at New Haven February 5, 1840, the youngest son of Roger Sherman Baldwin, Governor of Connecticut and United States Senator. On his mother's side he is a descendant of Governors Haynes, Wyllys and Pitkin, of Connecticut. He was educated at Hopkins Grammar School of New Haven, Yale College, the Yale and Harvard Law Schools, and was admitted to the bar at New Haven in 1863, where he practiced his profession before both the State and the United States courts for thirty years.

In 1893 was appointed an Associate Justice of the Supreme Court of Errors, and in 1907 Chief Justice. Has since held places of honorable distinction.

He has been president of the New Haven Colony Historical Society, the American Historical Society, the American Bar Association, the Association of American Law Schools, the International Law Association, the American Social Science Association, and is now (1912) president of the American Political Science Association, the American Society for the Judicial Settlement of International Disputes, the Connecticut Academy of Arts and Sciences, the Trustees of Hopkins' Grammar School, and the Connecticut Society of the Archæological Institute of America, and Director of the Bureau of Comparative Law of the American Bar Association. He is a member of the American Antiquarian Society, the American Philosophical Society, and the National Institute of Arts and Letters, a Fellow of the American Association for the Advancement of Science, a corresponding member of the Massachusetts Historical Society, the Colonial Society of Massachusetts, and the *Institut de Droit Compare* of Brussels.

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\*Facts from Legislative History and Souvenir of Connecticut, Vol. VIII, 1911-1912.

Also *Review of Reviews*; *Who's Who in America*.

He received the honorary degree of LL.D. from Harvard in 1891, and from Columbia in 1911.

He has published a "Digest of the Connecticut Law Reports," "Modern Political Institutions," "American Railroad Law," "Illustrated Cases on Railroad Law," and "The American Judiciary." He is also one of the authors of "Two Centuries' Growth of American Law." He has contributed numerous articles to magazines in United States and foreign countries.

Governor Baldwin has long been the dean of the Yale Law School, and represents the best element of the old-line Eastern Democracy. He is a lecturer and writer on subjects vital to the interests of his state and country.

Governor Baldwin has won for himself the character of a just man, a respecter of law as the basis of civil society, and is a firm believer in the precepts of Christ. Richard Hooker, that great philosophical prose writer of the sixteenth century, has given its best definition: "Of law no less can be acknowledged than that her seat is the bosom of God; her voice the harmony of the world; all things in heaven and earth do her homage; the very least as feeling her care, and the greatest as not exempt from her power."

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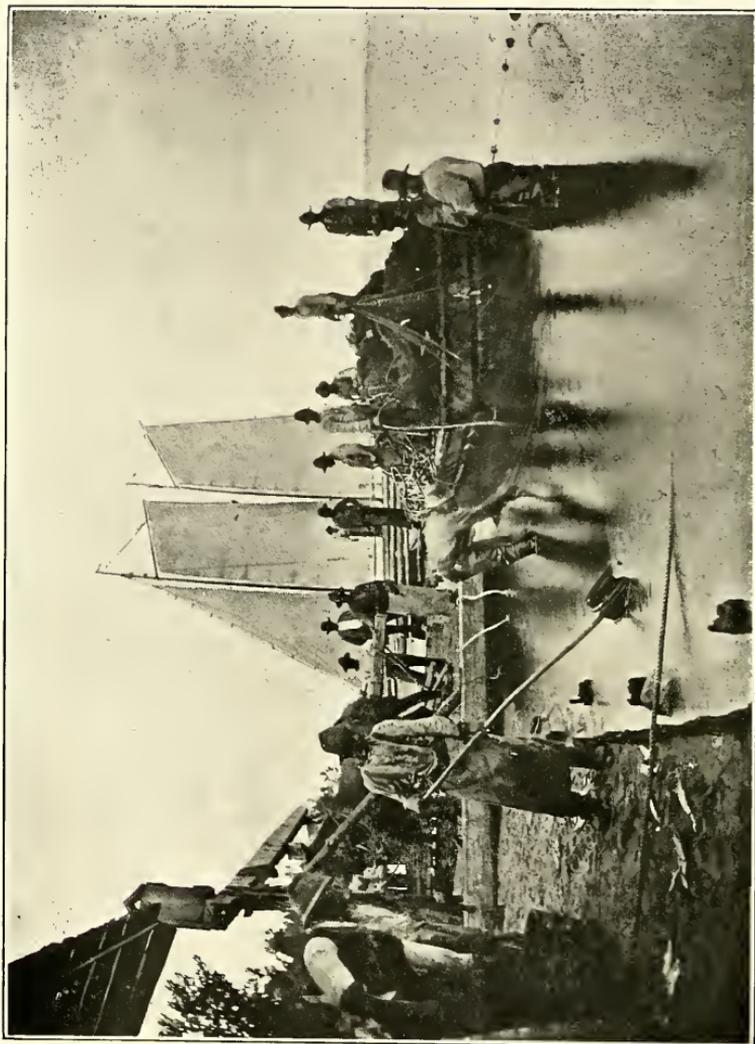
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## The Fisheries of Eastern Carolina

BY WILLIAM J. LEARY, SE.

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The eastern part of the territory lying north and north-east of the Albemarle Sound is hemmed in by the sand shore of the ocean, which is usually called the "Banks," which defends it from the violence of the mighty storms, and the great billows of the Atlantic. Think of the million of grains of sand which receives the shock of the storm-driven waves, whose force is gradually spent among them, without harm, or loss to the "Banks." The "Banks" form the eastern boundary to various and vast sounds, which receive the flowing waters of useful and navigable rivers, draining pleasant and fertile lands, filled with the most hospitable people. These sounds and rivers abound in the finest fish on earth, affording food for millions of people. From the earliest dawn of civilization the people of this earth have been feeding on the fishes of the waters, both small and great. We feel sure of this, because from the earliest times we find undisputed evidence of their existence; and that they were used as food. The methods employed in catching them seem to have been, in the start, of the crudest sort; but no doubt they were just as toothsome as they are now. We wish that the evidence of fish and the fisheries were not quite so meager as we now find it; so little value is generally placed upon present every-day affairs, that current events relating thereto pass without being recorded, or noticed in any substantial manner.

It seems that the earlier colonists found the Indians catching fish in weirs, as well as with hooks made from bones and other hard substance or material; and that they caught them

very rapidly. We suppose the earlier settlers brought with them from the old country the methods of fishing which they had been taught; and no doubt used them successfully in our waters, as we do now.

There have been serious contentions of late years as to who started, or introduced, the seine for shad and herring fisheries on the Albemarle and its tributaries. There are statements, on both sides of the question, from respectable authorities regarding the matter. We shall therefore endeavor to treat each side in a conservative manner, and do them justice as we see it. It seems that Richard Brownrigg, of Wingfield, on the Chowan River, an emigrant from Ireland, was the first man who fished with a seine for shad and herring on the Chowan River. "As early as 1769, and probably earlier, Richard Brownrigg was engaged in catching herring, packing them and shipping them salted to foreign parts." The following copy of a letter taken from "The Life and Correspondence of James Iredell," written by Thomas Iredell, of St. Dorothys, Jamaica, to his nephew, James Iredell, then the Collector of Customs for Edenton, N. C., would seem to sustain and support this statement:

"St. Dorothys, Jamaica, July 10, 1769.

"Dear Nephew: I have already wrote you by this conveyance. I have determined of a runaway negro I send to you. His name is Spencer. Dispose of him as you can, and by first opportunity remit net proceeds in red-oak hogshead staves, and *about twenty barrels of herrings*. . . . I am told the gentleman who carries on the herring fishing is a Mr. Brownrigg, a brother to Councillor Brownrigg, of this Island, with whom I am intimately acquainted. He is a gentleman greatly esteemed here, and married into a very genteel family—the widow of a man of fortune.

"Your Affectionate Uncle,

"THOMAS IREDELL."

Dr. Richard Dillard, a relative of the Brownriggs, states that Thomas Brownrigg succeeded his father, Richard Brownrigg, in this profitable business, and later on, established fisheries on the Albemarle Sound, at Belvidere, and perhaps at other places.

In the Episcopal Church, St. Paul's, at Edenton, N. C., there is a tablet to the memory of the Rev. Daniel Earle, its rector in 1759. He was the clergyman who established the first classical school for boys in the State, at his home near the Chowan River, called Bandon. About the time of the Revolution the church had become somewhat dilapidated, the worshippers few in number. Parson Earle was a faithful minister and also a successful herring fisherman. It is related that one Sunday when he arrived in Edenton by way of his one-horse gig to conduct services he found chalked upon the church door, the following doggerel, to-wit:

"A half built church,  
And a broken down steeple;  
A herring-catching parson  
And a dam set of people."

He was afterwards styled "The herring-catching parson." Parson Earle fished at his home place, Bandon, on the Chowan River and was a contemporary of Richard Brownrigg. During this period seine fishing was considered hazardous and impracticable in the broad and tempestuous waters of the Albemarle Sound. Col. R. B. Creecy stated, "Towards the close of the 18th century, about 1790 or 1795, it is thought a seine fishery was established by Lemuel Creecy just within the mouth of the Yeopim River, and in full view of the Albemarle Sound." Before the death of Lemuel Creecy a fishery was established at old Sandy Point Beach, on the Albemarle Sound by Joshua S. Creecy, Thomas Benbury and General Duncan McDonald, a connection by marriage. This we think was the first venture of seine fishing on the Albemarle Sound, and we think this was in 1814. It was followed, probably next year, by a fishery at Skinner's Point, about three miles from Edenton, established by Charles W.

Skinner and Josiah T. Granberry, both of Perquimans County. These ventures proving safe and profitable, were soon followed by the establishment of other fisheries on the Albemarle Sound and its tributaries.

Probably the next fishery established was at Eden House on the Chowan River by Joseph B. Skinner, Capt. Paine and William D. Lowther. There could not be found three men more unlike. Mr. Skinner was a cool-headed, clear-headed, intelligent, retired lawyer. Capt. Paine was a roarer, the embodiment of energy, and carried things by storm without calculation of cost or consequences. William D. Lowther was a quiet, modest, diffident, imperturbable gentleman, delicate as a girl and too unselfish and gentle for this rough world. Once when a storm was raging, the boats out and everything in peril, Capt. Paine was full of vim. He had several times passed Mr. Lowther, sitting on a log, whistling a soft monotone and gazing at the sky. Capt. Paine passed him at a run, stopped before him, slapped him on his bald head and squalled: "Mr. Lowther you are fit for nothing but the kingdom of heaven."

Other seines came quickly. The writer in the *Fisherman & Farmer* refers to the Greenfield fishery as established by R. B. Creecy half a century ago. It was established by him, but not a half century ago, as the writer unkindly insinuates. It was established in 1848. "Mr. Josiah Collins, the elder, also established, about the beginning of this century, a fishery on Edenton Bay, but it was comparatively small, and was probably located at Collins' Point, or what is now called Cherry's Point." Mr. Joseph B. Skinner was also a fisherman in his time; he was born January 18, 1781, and died December 22, 1851. He was a very remarkable man in a great many respects, and his business methods brought to him a considerable estate. He resided on his plantation just beyond the limits of the town of Edenton; the property now owned by Mr. R. E. Chappell. When Mr. Skinner lived there we believe it was called the Manor House. He was an able law-

yer, with excellent judgment and business foresight. Among the important things he did, it is stated, he first started the fishing of seines on the waters of the Albemarle Sound, and the first to perceive their great importance, and the first, by his energy and enterprise to bring this knowledge to the use and benefit of the community at large, and to develop this great natural industry. In the spring of 1807 he began a fishery at Eden House, on the Chowan River, and as he acquired knowledge and experience in seine fishing, his broad and active mind grasped the greater problem of fishing upon the broader and greater waters of the Albemarle Sound. The seines fished before this were much smaller, and did not compare with the seines attempted by Mr. Skinner on the Albemarle Sound. After he had thought the matter out and saw success ahead of him, he needed funds to carry out the projected scheme. He knew Mr. Josiah Collins well, for he had been a client of his for many years. Mr. Collins was, perhaps, the wealthiest man in the community, and to him he applied for such money as he desired. Mr. Collins was also a successful business man, and when Mr. Skinner approached him on the subject, he did not take much stock in the project, but expressed himself frankly, and said he thought the scheme visionary and impracticable. As stated above, Mr. Collins was wealthy and had some experience in seine fishing, as he had a fishery on Edenton Bay, a most beautiful sheet of water. However, Mr. Skinner had the courage of his convictions, and proceeded with his plans and the purpose to establish a fishery on the Albemarle Sound, which he finally did, and met with great success—such success that his example was followed by others. He created at that time a new source of wealth, and added annually hundreds of thousands of dollars to the industrial products of the country.

Before this time the herring and shad fisheries had been confined to the Chowan River, the Roanoke River and their tributaries, and it is said were few in number and of small extent. Mr. Skinner was a most deserving citizen of our

State. It is a pity that there are so few facts recorded of our largest interests and of the people who have given them impetus and promoted them by their great skill and ability. To sustain the statements relative to Mr. Joseph Blount Skinner stated above, we give very respectable authority, to-wit: In a letter to the Reverend Thomas H. Skinner, a brother of Mr. Joseph B. Skinner, Judge H. Nash, in writing of Mr. Skinner from Hillsborough, N. C., November 29, 1852, stated: "To your brother, I have always heard, the residents on the Chowan and the Albemarle section are, in a great measure, indebted for their fisheries. Not that he was the first to spread the seine in their waters, but that he was the first to perceive their great national importance, and the first, by his enterprise and energy, who brought that knowledge to the use and benefit of the community at large. To him the State is indebted for having led in developing this great national interest." In a brief obituary notice by Governor Iredell, written in January, 1852, on Mr. Joseph Blount Skinner, he stated: "Mr. Skinner also gave the first impulse to that valuable branch of industry in that section of the State, the herring and shad fisheries. The fisheries had been confined to the Roanoke and Chowan Rivers and their tributary streams, and were few in number, and of small extent. Mr. Skinner, with his characteristic energy, first ventured upon the experiment, then deemed visionary and impractical, and launched his seines upon the wide and oft-vexed Albemarle itself. His example has been followed until the northern shore of the sound is literally studded with fisheries, creating a new source of wealth, and adding annually hundreds of thousands of dollars to the industrial products of the country. Such a man may emphatically be styled a great public benefactor. Richly did Mr. Skinner earn the distinction. Deep should be the gratitude of the public, and ever should his tomb be encircled by a garland of merit, more precious than the warrior's laurel."

Governor Iredell certainly used strong words in setting forth the merits of Mr. Skinner in relation to his connection with the fishing interest. The Reverend Mr. Thomas H. Skinner, in referring to the statement of Judge Nash above set out, says: "The Judge is right in saying that 'he was not the first to spread the seine in their waters,' if he uses the plural form 'waters' by analogy, or continuity of the two waters which he mentions, but he was first, as Governor Iredell says in his obituary notice of him, to spread the seine on the Albemarle Sound. I know this well, for I was a member of his family when, in the spring of 1807, he began his fishery at Eden House."

The nearest approach to a fishery on the sound before this date was one the first Mr. Collins established on Edenton Bay; but this was comparatively very small; was not on the sound, and when my brother informed Mr. Collins of his project in which he was about to engage, and inquired if he would let him have a loan to facilitate its execution, the venerable man frowned on the undertaking as venturous, if not impracticable. Independently of all men, he proceeded; one of his friends, a man of much executive tact and force, he associated with himself in the management of operations, but he provided all the means and kept the chief superintendence of everything in his own hands. It was the writer's fortune to serve as a sort of subaltern clerk, being in his sixteenth year, in this the first of the fishing season on the shores on the Albemarle.

Some amusing things are told of Mr. Skinner even to this day. On one occasion the Episcopal church was repaired, and Mr. Skinner attended the auction sale, when the pews were to be let out to the highest bidder; he had assessed the pews at a rate which would secure at least enough to cover the expenses. But, except himself, there were no bidders at the price he set. All the most desirable pews were pronounced his by the auctioneer. One of the wealthy parishioners approached Mr. Skinner and asked him what he was going to do

with those pews. Among the pews he had rented was one this gentleman had been occupying with his family. Mr. Skinner replied: "God bless me, sir; I am going to bring my negroes to church." The gentleman said: "You are not going to put them in the best pews in the church where the *elite* sit, are you?" His prompt answer was: "Yes, sir." They soon got around him, and the pews were sold again, at the price he had assessed. It is unnecessary to state that he turned the amount received into the Parish treasury.

The following is from the pen of that versatile writer, Dr. Richard Dillard, of Edenton, N. C.: "The herring fishing seems to have been a very old industry even in Great Britain. Some authorities say it was going on during the time of the Spanish Armada, and Swinden, in his history of the Antiquities of Great Yarmouth, says that 'herring fishing' began there as early as 495. It is now one of the most important industries in the United Kingdom, and the herring fisheries of Scotland and Ireland are still world famed. Richard Brownrigg having emigrated from Wichlow on the coast of Ireland, it is very natural that he should have undertaken in his adopted home the pursuits of his native section. So, not long after reaching this country he cleared his first fishery at Winfield on the Chowan River, and I am quite sure he was the father of the fishing industry in the Albemarle section, at least he is the earliest of whom there is any authentic record. Colonel Creecy, in his criticism, has confounded him with his son, Thomas Brownrigg, who fished later at the same place, and also on the Albemarle Sound. The earliest mention of fisheries on the court house records here is in the wills of Richard Brownrigg and Rev. Daniel Earle. Richard Brownrigg's, dated October 7, 1775, recommends to his executors that "due attention be made in carrying on the mills and fisheries in all their branches," and a section from Parson Earle's, dated 1785, reads thus: "I give to my beloved wife, Charity Earle, the plantation on which I now live, for the period of her natural life, except the fisheries and the houses

built for the use of said fisheries." From 1774 to 1775, says Iredell in one of his notes, 6,325 barrels and two quintals of herring were exported from Edenton to Southern Europe, Africa and West Indies. In 1787 there is record of 5,328 barrels having been exported from here, to say nothing of home consumption. The catch must have been large, as the price was low. There seems to have been a premium paid to every one who exported fish from here, from the old records of the custom house. I extracted the following: "February, 1798, paid Stephen Carpenter \$3.96 for premium on 22 bbls. of fish exported by him," and "Feb. 28, 1798, paid John Little \$124.00 for premium on 694 bbls. fish exported by him." There are also a number of similar items.

In speaking of fish and the introduction of seines into our waters, Moore, our historian, says: "At that time (1815) two Northern men had introduced a long seine worked by windlass and horse power at Lawrence's Point on the Chowan, six miles below Colerain; soon others were put in, two thousand yards in length, requiring six horses and fifty men and women in their handling. Prior to this time the spring catch had always been by the means of short float nets and weirs." Major Moore further says: "The fishing business had received an enormous impetus since 1815." See the edition of 1880, page 17 of his history.

There has been considerable discussion as to who was the first man that introduced seine fishing in these waters, and it strikes me that the sworn statement of Mr. Joseph B. Skinner, which we shall quote in this paper, will settle the question, so far as he is concerned. We know that he was an honorable man, and would not claim anything but what was right. And then, again, it seems that there is no conflict in the contentions made by the several persons to the controversy; each statement may be true, without coming in conflict with the other. The evidence given by Mr. Skinner is clear and to the point and sustains his reputation for ability, learning and vigor of thought. His reputation as a lawyer at the bar was

most excellent. The fact that Mr. Josiah Collins employed him in a professional way, was strong evidence of this. We, therefore, believe that his statement, when conservatively considered and analyzed, will, beyond question, throw so much light on the question at issue, that we shall hear no more from anyone as to who did use first the large seines in use in the Albemarle Sound.

In Collins vs. Benbury, Iredell's Law, Volume V, page 118, which by chance we have just laid our hands on, we find a statement under oath from Mr. Skinner himself: "The plaintiff then called upon Joseph B. Skinner, who stated that in 1807 he, in connection with another gentleman, established the *first large fishery on the waters of the Albemarle Sound*; that at the place which the plaintiff fished, a small seine was employed in 1798, but was, after that time discontinued; that in 1817, a company of gentlemen employed a seine at the same place, about three hundred yards long, but it was small in comparison with the length of the seines now used in these waters of the Albemarle; that a seine about the same length was employed at this beach for several years in succession, but how many he could not state; \* \* \* \* \* Upon cross examination Mr. Skinner stated that according to the usage, by which the right of fishing was enjoyed on the Albemarle Sound, if the owner of any of the land on the sound wished to establish a fishery and he found it necessary to his interest to fish the waters opposite the lands of the next proprietor, he had a right to do so provided no fishery was then established and used by such proprietor. But if the owner of the adjacent lands afterwards established a fishery on his lands, then the owner of the land had the right to fish the water opposite his lands, though the water had been before occupied by the seine of another person; that in the case of two fisheries established near the line dividing two tracts of land, each one of them had the right to shoot his seine into and fish the water opposite the land of the other, whenever it became necessary to do so by reason of the current running

up or down; that in the case last mentioned, when the current was running down, the owner of the lower fishery would shoot his seine into, and fish the water opposite the land of the owner above; and so, when the current was running up, the owner of the upper fishery would shoot his seine into the waters opposite the land below; that until the owner of land lying on the Albemarle Sound established a fishery by building the necessary houses, clearing the water of stumps, logs, etc., and providing a seine, every citizen of the State had a right to fish the water opposite the land, and between the shore and the channel; and after a fishery had been established, whenever the owner ceased to fish it, the citizens of the State had the right to fish the waters which had been occupied by the seine. The witness was enquired of, if he knew any custom regulating the rights of fishing, where two fisheries were so situated upon an indented position of the shore of the sound that each would be obliged to occupy the same water in fishing the water opposite their respective shores. He said he did not know of any custom regulating the rights of fishermen whose fisheries were so situated, as he knew of no fisheries so situated. In such a case, he supposed they would have to come to some understanding."

Testimony of John H. Leary was about the same as Mr. J. B. Skinner's as to the establishment of Sandy Point Fishery, and he stated that in consequence of the facilities for shipping produce, all the lands on Albemarle Sound were more valuable than lands of the same fertility, at a distance from the sound.

Porte Crayon visited our fisheries in the early part of the year 1857, when the seines were placed out in the waters of the Albemarle Sound by the means of flats, called bateaux, propelled by oars, handled by men, and drawn in from the waters of the sound by means of windlasses drawn by mules or horses. Most of our people recall this means of bringing in and carrying out the seines. He gives this graphic description of the beach and the fishery, to-wit: "In the foreground

was the landward boat moored to the beach, while her swarthy crew were actively engaged in piling up the seine as it was drawn in by the exertions of four lively mules at the windlass hard by. In the centre, upon a bank a little elevated above the water, rose a group of sheds and buildings, alive with active preparation. Beyond these the seaward boat appeared, while upon the surface of the water, enclosing the whole beach in a grand semi-circle, swept the dotted cork line of the seine. To complete this scene of bustle and animation on land and water the air furnished its legions of fierce and eager participants. Numerous white gulls, fish-hawks, and eagles hovered over or sailed in rapid circles over the narrow cordon of the seine, at times uttering screams of hungry impatience, then darting like lightning to the water and bearing away a struggling prize in his beak or talons. It was wonderful to observe the brigand-like audacity with which these birds follow up the nets and snatch their share of the prey, sometimes almost within arm's length of their human fellow-fishermen and fellow-robbers. But we must not tarry too long at the table. The approaching cries of the mule-drivers at the windlasses warn us that the seine is gathering in, and on sallying forth we perceive that the dotted semi-circle of cork line is narrowed to the diameter of fifty paces. Both boats are at hand, their platforms piled high with enormous masses of netting, like great stacks of clover hay. The windlasses have done their part, and the mules discharged from their labors, as they are led away by the conductor, to celebrate the event with their cheerful braying. All hands now leave the boats, and, at a signal from the chief, dash into the water waist deep to man the rope. A train of women, armed with knives and bearing larger tubs, is seen hastening down the bank. Within the circuit of the net one may already see a thousand backs and fins swimming rapidly over the surface of the water. Every eye is lighted with excitement. 'Hard cork!' shouts the captain. 'Mind your lead, thar!' yells the lieutenant. 'Hard

cork, mind lead! ay, ay, Sir!’ roar the fifty black dripping tritons as they heave the heavy net upon the beach. Behind the cork line where the seine bags the water now is churned to foam by the struggling prey, and the silvery sides of the fish may be seen flashing through the strong meshes. The eager gulls shriek at the sight, and sweep unheeded over the busy fishermen. One more hurrah, and the haul is landed, a line of wide planks is staked up behind, the net withdrawn, and the wriggling mass is rolled upon the beach—ten or fifteen thousand voiceless wretches, whose fluttering sounds like a strong rushing wind among leaves. ‘To the boats! to the boats!’ and away go the men; now the boys and women rush knee-deep into the gasping heap. The shad are picked out, counted, and carried away to the packing-house. The rock are also sorted, and then the half-savage viragos seat themselves in line, and begin their bloody work upon the herring. With such unmerciful celerity they work, that the unhappy fish has scarcely time to appreciate the new element into which he has been introduced ere he is beheaded, cleaned and salted away. If you now raise your eyes to look for the boats, you will see them already far on their way out in the sound, the voice of their captain mingled with the cries of the disappointed gulls. In the operations of the fisheries there are no delays. Success is in proportion to the promptitude and energy displayed in every department, and from the beginning of the season to the end they are driving night and day without intermission. The powers of endurance are as heavily taxed as in the life of a soldier campaigning in an enemy’s country.

“About midnight Porte Crayon was aroused by the hand of the manager on his shoulder: “If you wish to see a night haul, now is your time, sir; we will land the seine in fifteen or twenty minutes.” Mr. Crayon sprung to his feet, and hastily donning his vestments, repaired to the beach. Here was a scene similar to that which he had witnessed during the day, except that the picturesque effect was greatly

enhanced by the glare of the fires that illuminated the landing. The wild swarthy figures that hurried to and fro carrying pine torches, the red light flashing over the troubled waters, the yelling and halloing suggested the idea that these might be Pluto fishermen dragging nets from the Styx, or maybe a dance of the demons and warlocks on Walpurgis Night.

“The product of these fisheries constitutes a most important item in the wealth of this section, and during the fishing season (which begins about the middle of March, and lasts until the middle of May) their success is a bright subject of as general conversation and all-absorbing interest to the inhabitants as is the yearly overflow of the Nile to the Egyptians. To establish a first-class fishery requires from five to ten thousand dollars of outlay; and the management employs from sixty to eighty persons, all negroes except the managers. These are for the most part free negroes, who live about in Chowan and the adjoining counties, and who, as the season approaches, gather in to the finny harvest as to an annual festival.

“At Belvidere, the seine used was twenty-seven hundred yards long and twenty-seven feet deep, which is packed upon the platforms laid on the sterns of two heavy ten-oared (flat) boats (known by us as bateaux) which are rowed out together to a point opposite the landing beach, about a mile distant. Here the boats separate, moving in opposite directions, and the seine is played out from the platforms as they row slowly toward their destined points—the eastward boat following a course down the stream and parallel to the beach, the landward boat curving inward towards the shore at the upper end of the fishery, thus heading the shoal of fish as they journey upward to the spawning grounds. The top line of the seine is buoyed with numerous cork, while the bottom, which is attached to the lead line, sinks with its weight. When the seine is all played out, heavy ropes, made fast to the staves at the ends, are carried in to the great wind-

lasses at either end of the fishing ground, at this place about eight hundred yards apart. The aggregate length of the seine with these ropes is not less than two miles and a half, the process of winding being now continued by lines tied to the lead line of the seine, which, as they successively appear, are attached to consecutive windlasses nearing the centre. The boats follow to receive the net until they arrive at the innermost windlasses of one-mule power, which are not more than sixty or eighty yards apart. Here, as before described, the men handle the rope themselves, land the haul, take up the intervening net, and put out immediately to do it all over again. The whole process takes from five to seven hours, averaging four hauls per day of twenty-four hours. The shad and the herring are the staple crop for packing. The miscellaneous fish are sold on the beach, eaten by the fishermen and plantation negroes, or are carted with the offal to manure the adjoining lands. The refuse fish commonly taken are sturgeon, rock, cats, trout, perch, mullet, gar, gizzard-shad or ale-wife, hog-choke or flounder, lampreys, and common eels. The bug-fish is sometimes taken; in its mouth it carries a sort of parasitical bug."

The article from which we have so extensively quoted was published in Harper's Monthly Magazine, No. LXXXII, March, 1857, Vol. XIV. It is a most excellent article and will repay anyone for the time spent in reading it, and looking at the illustrations, which are good. We have given his description of the beach, because it covers the ground thoroughly; and we do not believe this paper would be complete without such a description—in fact it is a part of the history of the fishing interest. If Mr. Porte Crayon could visit us again, in our day, he would find a different state of affairs; new methods of taking fish, caring for them, manner of shipping, and the kind shipped—which embraces the most of them mentioned by him as refuse fish, the rock and sturgeon especially.

The idea of shipping fish in ice to the northern markets was first adopted by Mr. G. J. Cherry, who shipped shad and herring in barrels covered with bagging. Later on Col. R. G. Mitchell introduced fish boxes, which are extensively used by all classes of our fishermen, in making shipments of iced fish for the market.

In 1869 Captain Peter M. Warren, a resident of Chowan County, applied steam as a motive power to drive windlasses used at fisheries for drawing in seines—this was a great help to the fishermen, and a decided advance in such methods. In 1879 Captain Warren extended the application of steam as a motive power to the bateaux used by fishermen at their fisheries. No one but a fisherman could really appreciate the advantages thus afforded. Our recollection is that this scheme was tried out at Drummond's Point Fishery near the mouth of Yeopim River, now owned by John G. Wood, Jr., but then owned by J. L. G. Smith from Long Island, New York, a member of the Bull Smith family of that island. He stated his family got this name from a trade by a member of it, with some Indians for a tract of land. For a certain consideration he was to have all the land he could ride a bull around in a given time. By his ride he won a considerable tract of land, and his family the name and distinction of the Bull Smith family. It was currently reported at the time that Mr. Wiley Rea, a carpenter, was the man who first suggested to Captain Peter M. Warren the idea of applying steam as the motive power to windlasses and steam flats for hauling in seines. We know that it was currently reported at that time, during which Captain Warren and Mr. Pea were together a great deal. There cannot be any doubt of the fact that Captain Warren put the schemes or methods into operation. An idea stillborn is of no value at all, and as far as the world is concerned amounts to very little; it is the advance or progress made that tells; and judged by the practical results accomplished, Captain Warren deserved all the credit he ever got for the work he did.

In connection with the fishing done at Drummond's Point fishery, it is said that four hundred thousand herring were caught at a single haul. It was impossible to land so many fishes at one time, and the seine had to be anchored out and smaller seines used until the most of them were landed before the haul could be finally made. We have been at fisheries when between one and two hundred thousand herrings were caught, and at that time we do not think it was unusual. Some years ago at Greenfield fishery there was a haul of 75,000 herring; and it was said the several hauls before and after this haul were few in comparison with it. It was supposed the seine caught the entire shoal of herring, which shows fish must swim together in the water like birds flock together in the air. There are no seines fished on the shores of Chowan County at this time, having been supplanted by a cheaper method of fishing, which is known by the name of "Dutch Net." This net is called the "Dutch Net" because it was introduced into the water of the Albemarle Sound in 1869 by Captain John P. Hettrick and his brother, William Hettrick, Pennsylvania Dutchmen, who had been fishing with these nets in the Great Northern lakes for whitefish. During the Civil War Capt. John P. Hettrick came down here as a Federal soldier and seeing the sound, and inquiring about the fish which abounded in its waters, he concluded he would come down with his nets as soon as the war was over and he could do so. The first of these were fished at Sandy Point, about ten miles below Edenton, N. C., on the north side of the sound. They were cheap, as stated, and proved a great success, and were readily adopted by our people, with the result that the seine fisheries on our side of the sound are not fished any longer. Skinner's Point Fishery was considered the best shad fishery we had in Chowan; and Greenfield was considered the safest as the seasons run, and the best herring fishery on the sound.

Avoca has always been considered the best shad fishery on the Albemarle Sound and the largest rock-fish fishery. At a

single haul as many as forty-six thousand shad have been taken, and one hundred and eighty thousand herring, and thirty eight thousand pounds of striped bass, which are considered very large catches of these kinds of fish. In an article recently written by Mr. J. H. Etheridge, of Colerain, N. C., the statement is made that in 1878 a haul was landed at Colerain that counted out over a half million (of herring), and in 1882 one of two hundred and sixteen thousand. He also states there are a crowd of witnesses who can and will testify to these facts; and from 1878 to 1883 the average catch was fifteen million per season. The Dutch nets which have changed the method of catching shad and herring are thus described: The stakes are about three by six inches in size, separated by short intervals in a line; the stakes are driven some four or five feet into the bottom or bed of the sound, and the nets are stretched out and fastened to them with several pounds of inclosures in which the fish are arrested in their migratory movements up the waters, hunting for the spawning grounds, and seeking an outlet, enter the net and being unable to find their way out are taken up with dip nets. The line of nets may extend in the sound a thousand or more yards. The fish follow the leads and finally get into the hearts or pounds from which they are taken as stated. The boats used are flat bottomed, so that they can easily cross the line at the top of the heart, pound or pod. A great many herring are caught in these nets, but not so many shad in proportion to the numbers that come into our waters. We have advanced some in looking after the by-products, heretofore wasted or used for fertilizers. We have two canning factories for the roe from the herring that are cut for salting and packing down. And it is convenient for the house-keeper to have in her pantry; in fact we know of nothing more convenient or handy to have around. The roe makes a most delightful dish for breakfast or supper.

The fishing business for years back has been one of the largest (conducted) in this section of the State; millions of

shad, herring, rock, perch, and other fish are shipped from Edenton alone; and many other thousands and millions from Dare County, Hertford and Elizabeth City, N. C., during the annual spawning season of these fish. This business gives employment to hundreds of people, both male and female. The fishing season lasts about seventy-five days, beginning in March and ending about the middle of May in each and every year. It is an interesting sight to be at one of these fisheries and witness what is called a "haul." The seines extend out from one to two miles and then are pulled in as stated by Porte Crayon. The cutting and packing of these fish is most interesting, and it is wonderful to see how rapidly the men and women accustomed to this kind of work can cut and clean these fish—as many as two or three thousand an hour. We believe our seine fisheries when in full blast were the most extensive inland fisheries in the world, as well as the most profitable. The seine fisheries in Dare County, located at Croatan and elsewhere, were among the best, and were generally fished by the Davises, Palins and others of Elizabeth City. Sheriff W. T. Brinkley, a native of Chowan County, was the owner of one of these fisheries for years, during which period he was a resident of Dare, and lived in Manteo or nearby.

The fish-catching in the east of North Carolina in 1897 was 142,326,000, valued at \$1,583,600.00, and we are satisfied that earlier records will show a much larger catch. In 1873 under the direction of U. S. Fish Commissioner Baird, about 45,000 shad were hatched out at New Bern, and 100,000 striped bass at Weldon, N. C., and all of these were planted in local waters. In 1875 shad hatching was attempted at New Bern by Mr. Milner on behalf of the general Government but no noteworthy results were obtained. In 1877 the State of North Carolina began fish cultural operations on its own account. In May Mr. Frank M. Clarke, of Michigan, was engaged, through Professor Baird, to superintend shad hatching on the Neuse; little success was obtained owing to

unfavorable seasonal conditions. In the fall of 1877, a trout and salmon hatchery was constructed at Swannanoa Gap by Mr. W. F. Page, assisted by Mr. S. G. Worth, who enlarged and improved the hatchery, and the incubation of brook trout eggs and California salmon eggs was begun shortly thereafter. The shad hatching in 1878 was noteworthy. The site of the operations was Salmon Creek, at the head of the Albemarle Sound, and the season was most successful, a million of fry being produced. In 1879 a hatchery was built by the State at Morganton, at which salmon, trout and carp were hatched and distributed, but was abandoned in 1882. Shad hatching was continued by the Government at the mouth of Chowan River, the steamer Lookout being employed in this work. In 1880 the State had a fish hatchery at Avoca, and secured the eggs from the Sutton and Scotch Hall beaches; the operations proved successful, and the State continued to operate the hatchery at Avoca until 1884, and during the year 1882 of this period adopted the McDonald hatchery jar, being the first State to employ this most important device. In 1884 Mr. S. G. Worth, at a place on the Roanoke River, aided by the U. S. Commissioner of Fisheries, took over four millions of striped bass eggs, since which time a great many eggs have been hatched and distributed in the waters of this State and others. At Edenton there is a most successful fish hatchery, under the superintendency of Mr. W. E. Morgan. One hundred and forty millions of shad eggs have been incubated in one season; this was in the year 1913. One of our citizens said of Mr. Morgan, who is a cultured gentleman: "I wish to say something relative to the efficient management in which the shad eggs and fry have been handled. Never during my stay have things been kept in such perfect shape and neatness; all due to the skillful management of our worthy and esteemed friend, Superintendent W. E. Morgan, who was sent to Paris, France, by the U. S. Fish Commission, to look after our Government's interest, and to other expositions, thus giving him much and varied experience. He is always nice and

has pleasing manners, and is capable of handling help with great ease. The percentage of incubations have been much greater than any previous year; all due to Mr. Morgan's skillfulness and attention to the business in which he is untiring, and it leads to the greatest success." We know Mr. Morgan personally, and this gentleman has not said any more in commendation of him than he deserves. He is on the job at all times.

Sturgeon fishing was first introduced by Capt. A. T. Cann, in 1889; he came from the State of Delaware. The nets used for catching these fish are from 600 to 1,000 yards long, and are made of large cotton twine with meshes from 12 to 16 inches. Only one of them is usually fished to a boat carrying two men. They have no stakes, as they are not required, anchors being mostly used. One time the sturgeon were quite numerous, but they have so thinned out that it hardly pays to fish for them in our waters at this time. It is a great pity, and the State ought to take some action in the matter, so that their utter extinction will not be accomplished. A large sturgeon is worth about one hundred dollars. These fish are from five to nine feet in length, and weigh from one hundred and twenty-five to three hundred pounds. As many as three hundred of these fish have been taken during a season of about sixty days, from one net, but it is said one hundred and fifty a season was considered good. The roe is used for cavier, a great German dish, and is highly prized; as well as most valuable. The roe from four or six sturgeon will fill a keg. The offal has great fertilizing property and is said to be more valuable than shad or herring offal.

We have endeavored to secure data that could be considered accurate and reliable, and we have selected only such data as we have considered of historical value. We have just received a letter from Mr. E. H. Walke, who fished for many years at the famous Avoca fishery, a cut of which we hope will accompany this article. Mr. Walke states: "That on the 6th of May, 1876, we made two hauls of Rock fish; the first

was 38,000 lbs., the second was 13,000 lbs., both in one day. In 1877 we made a haul of herring of 188,000 by actual count, or 60 stands that held 3,000 herring to the stand. In 1901 I made three hauls of shad, to-wit: 45,000, 46,000 and 44,000 respectively; making 135,000 in the three hauls. This is the largest fishing we ever done. In 1886 I caught 105 sturgeon at three hauls." We are very glad that Mr. Walke let us have these figures, as they show the actual catch at the Avoca fishery during the years stated, and are, therefore, of historical value. The statement of the figures sustain the importance of legislation for the protection of the young fish, and for their propagation, as the catch of these fish of today is nothing like the hauls Mr. Walke writes of.

We feel greatly indebted to Dr. Joseph Pratt, State Geologist, and Dr. Hugh M. Smith for facts secured from their written works, and Dr. R. B. Drane, Dr. Richard Dillard, Mr. John G. Wood, Sr., Mr. W. H. Walke, and others, for the facts upon which we have based the statements in this article.

## Fiscal and Economic Conditions in North Carolina During the Civil War

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The hard task of war is not confined to the battlefield, nor its heroism to the soldier and sailor. Upon non-combatants rest the duties of repleting the ranks decimated by mortality, of providing supplies with a diminishing number of laborers, and of keeping open the channels of trade and commerce. War is therefore a test of economic resources as well as of military force and skill. In the light of this fact the contest between the Union and the Confederacy was an unequal one; for in the North during that conflict, agricultural productivity was but slightly impaired, manufactures prospered, the inventive genius flowered, and the crisis in the currency was met by the National Bank act. On the other hand, in the South, cotton, the staple crop, declined from  $4\frac{1}{2}$  million bales in 1860 to approximately  $\frac{1}{2}$  million bales in 1864, while the blockade so interfered with export trade that the price on the local markets declined with the decrease in production. Manufactures did not increase sufficiently to meet demands and there was no stroke of genius to prevent a collapse of the currency. Yet the supreme test of the Confederacy was not its inferiority in resources, but the ways and means by which the odds were met. Surely the temper of the Southern people from 1861 to 1865 cannot be fully comprehended without some acquaintance with the methods by which the non-combatants contributed to the "Lost Cause." The subject must be approached from two angles: one is that of the government of the Confederate States and its policies, the other the measures of the State governments. Of these the former has been more widely treated. In the future larger account must be taken of war legislation in the

several States and its effect on the people. It is therefore hoped that the present discussion of fiscal and economic conditions in North Carolina from 1861 to 1865 may not be untimely.

#### A.—THE STATE FINANCES.

There were three financial problems in North Carolina in 1861. One was the inequalities in the system of raising revenue. Land, personal property, income from professional services, dividends and profits were taxed according to value at different rates, while slaves were taxed as polls, and slaves below the age of twelve and above fifty were exempt. Thus land valued at \$97,672,975 in 1860 yielded \$195,124, while slaves valued at \$162,866,763 (valuation of 1863) through the poll tax paid only \$122,148. In the gubernatorial campaign of 1860 the issue of ad valorem taxation of all property, including slaves, had been raised by the Whig party and its defeat was due very largely to the excitement of national issues. How far a war in defense of the slave system would affect the question of taxing slave property at its real value, remained to be seen. The second problem was that of the State debt. From 1848 to May, 1861, \$9,749,500 of bonds had been issued. These were mainly for aid to railroads and other works of internal improvement. During the war \$1,370,000 previously authorized were issued. For the redemption of the bonds a Sinking Fund had been established in 1856, consisting of the State stock in the Raleigh and Gaston and the North Carolina railroads. Whether the fund would be preserved for its original purpose or used in supporting the new debt created by the war was a matter of importance. The Literary Fund, from which the public schools were supported, consisting of approximately \$3,000,000 worth of securities in 1860, was likewise threatened. Finally there was the problem of finding ways and means for the equipment and support of the State troops, and of meeting other expenditures incurred by the war. The magnitude of this task may be realized by contrasting the public fund,

which met the regular expenses of the government, in 1861 and the years immediately following. For the fiscal year ending October 31, 1861, it was \$3,523,981.25. By the same day in 1862 it was \$13,297,973.60, a year later it was \$16,208,440.88, while in 1864 it declined to \$6,936,672.08. This expansion of income was the paramount fiscal problem of the war. Its solution also shaped the policy toward taxation, the Sinking Fund, and the Literary Fund. It therefore demands careful consideration.

#### A. I.—REVENUE.

The principal measure by which the increase in the State's income was accomplished was the issue of treasury notes. These were authorized by two bodies, the legislature and the Secession Convention which, after four sessions, finally adjourned in May, 1862. The first extra session of the legislature authorized the alternate issue of treasury notes and six per cent. bonds to the amount of \$5,000,000, of which \$2,750,000 were to be treasury notes.<sup>1</sup> At the second extra session \$1,800,000 of notes were authorized.<sup>2</sup> The first session of 1862 authorized \$1,500,000 more, fundable in six per cent. twenty year bonds, and the treasurer was given liberty to increase the issue by \$3,000,000.<sup>3</sup> At the adjourned session of 1863, \$400,000 were also authorized.<sup>4</sup> Likewise the regular session of 1864 authorized \$3,000,000, and the adjourned session of the same year, \$3,000,000.<sup>5</sup>

Thus \$15,450,000 of treasury notes were authorized by the legislature. The convention was also liberal in the matter. At its first session it authorized \$200,000 of notes.<sup>6</sup> This was followed at the second session by \$3,000,000 six per cents exchangeable for six per cent. bonds.<sup>7</sup> At the third

<sup>1</sup> Laws, 1860, I Extra Session, ch. 4.

<sup>2</sup> Laws, 1860, II Extra Session, ch. 18.

<sup>3</sup> Laws, 1862-3, ch. 29.

<sup>4</sup> Laws, Adjourned Session, ch. 35.

<sup>5</sup> Laws, 1864, ch. 23; Adjourned Session, ch. 18.

<sup>6</sup> Ordinance, I Session, 34.

<sup>7</sup> Ordinance, II Session, 16.

session \$1,500,000 were authorized which, as well as the notes of the former session, were fundable in eight per cent. bonds.<sup>8</sup> At the fourth session \$2,000,000 more was authorized, also fundable in bonds.<sup>9</sup> Thus \$6,700,000 in notes were authorized by the convention, making, with those authorized by the legislature, \$22,150,000. Moreover the convention assumed the State's quota of the Confederate tax, to be funded in seven per cent. notes.

The total amount of notes issued was left to the discretion of the Treasurer and the Governor. They were guided by the legislative appropriations and the amount formerly in the treasury. According to the Treasurer's report at the end of the war \$8,507,847.50 had been issued and \$3,261,511.25 had been retired, leaving in circulation \$5,246,336.25. To insure the circulation of the notes the Treasurer was directed not to accept in payment of obligations to the State the notes of those banks that would not honor the treasury notes.<sup>10</sup>

A second method by which the vast increase in revenue was attained was the issue of bonds. The legislature at the first extra session authorized the issue of \$2,250,000, and the convention also authorized \$3,000,000.<sup>11</sup> Banks purchasing the bonds were relieved of the obligation of specie payment so long as any portion of the bonds remained unredeemed and were allowed to issue their notes of less denomination than one dollar to the extent of five per cent. of their capital stock paid in, provided such action did not infringe upon their charters. In 1862 \$5,000,000 additional were authorized, and in 1863, \$2,000,000.<sup>12</sup> Moreover the State assumed its proportion of the Confederate war tax; to meet it notes were to be issued, convertible in seven per cent. bonds, the amount of bonds actually issued being \$1,384,500, the as-

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<sup>8</sup> Ordinance, III Session, 35.

<sup>9</sup> Ordinance, IV Session, 39.

<sup>10</sup> Laws, II Extra Session, ch. 18.

<sup>11</sup> Laws, I Extra Session, ch. 4; Ordinance, I Session, 34.

<sup>12</sup> Laws, 1862-63, ch. 29; Adjourned Session, ch. 26.

sumption expiring after 1862.<sup>13</sup> Finally aid in the construction of the Chatham Railroad was given to the extent of \$249,000 in bonds.<sup>14</sup> Thus the total bond issues for war and allied purposes were \$13,120,500. There were also issued \$1,370,000 of bonds authorized prior to 1861, making a bonded debt at the close of the conflict of \$24,240,000.

The market value of bonds and notes is one of the interesting phases of war finance. The notes depreciated, and in 1865 the following scale of depreciation was adopted:<sup>15</sup>

MONTH.	1861.	1862.	1863.	1864.	
January -----	----	\$1.20	\$3.00	\$21.00	\$50.00
February -----	----	1.30	3.00	21.00	50.00
March -----	----	1.50	4.00	23.00	60.00
April -----	----	1.50	5.00	20.00	100.00
May -----	----	1.50	5.50	19.00	----
June -----	----	1.50	6.50	18.00	----
July -----	----	1.50	9.00	21.00	----
August -----	----	1.50	14.00	23.00	----
September -----	----	2.00	14.00	25.00	----
October -----	----	2.00	14.00	26.00	----
November -----	1.10	2.50	15.00	30.00	----
December -----	1.15	2.50	20.00	----	----
December 1-10 -----	----	----	----	35.00	----
December 10-20 -----	----	----	----	42.00	----
December 20-30 -----	----	----	----	49.00	----

Depreciation was naturally accompanied by speculation in the securities, which was especially notable during the first two years of the war. Notes were purchased by the speculators and exchanged for bonds, yet in 1862 the price of six per cent bonds ranged from 112 to 120, and actual depreciation of bonds does not seem to have set in until the latter part of 1864, when a \$1,000 bond was worth \$1,850 in Confederate treasury notes, or \$74 in specie.<sup>16</sup> Several influences checked the depreciation of notes from influencing to any great extent the value of bonds; one was that the treasurer in 1862 adopted the policy of issuing bonds in certificate rather than the coupon form, thus requiring the holder to

13 Ordinance, III Session, 21.

14 Private Laws, 1860-61, ch. 131; Ordinance, III Session, 7.

15 Laws, 1866, ch. 39.

16 Treasurer's Report, 1864.

travel to the treasurer's office to secure his interest.<sup>17</sup> Another was the custom of paying the expenses as far as possible in Confederate, rather than North Carolina notes.<sup>18</sup> Also the State went into the market for its own bonds, and also bought from itself. For this purpose the Sinking Fund was used. Thus in 1863, it was reported that the Sinking Fund had transferred to the treasury, \$719,000 for bonds whose face value was \$602,000, and the next year it was reported that the Sinking Fund had bought in the market \$131,050 of bonds at a premium of \$171,495.26.<sup>19</sup> It is also interesting to notice that the State bonds issued prior to 1861, and held by the Fund were transferred to the treasury. Some Confederate bonds were also purchased by the Fund and some were paid in as dividends of the North Carolina Railroad. Consequently at the close of the war the securities of the Sinking Fund, with the exception of the railroad stock, were Confederate and State war bonds. The antebellum debt, for which the fund has been created, remained an obligation of the State, and by 1866, \$364,000 were due and unpaid.<sup>20</sup>

A similar use was made of the Literary Fund. Since this fund was used for educational purposes and was therefore of vast social importance, its history during the war justifies a more extended notice than the Sinking Fund. I therefore quote from a study of the Literary Fund elsewhere published.<sup>21</sup> "In order to meet the increase in expenditures made necessary by military affairs, there was a feeling that the fund should be used. This peril was averted by the efforts of Dr. Calvin H. Wiley, who had been elected Superintendent of Common Schools in 1852. He persuaded the Governor and the Council of State to oppose such a measure, secured the support of the North Carolina Educational Associa-

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<sup>17</sup> *Standard*, June 25, 1862.

<sup>18</sup> Ordinance, I Session, 35.

<sup>19</sup> Comptroller's Report, 1863, 1864.

<sup>20</sup> Treasurer's Report, January, 1866.

<sup>21</sup> Finances of the North Carolina Literary Fund, *South Atlantic Quarterly*, July and October, 1914.

tion, which had been organized in 1857, and of many of the county boards of education. Consequently a bill to use the Literary Fund for other than educational purposes was defeated in the Legislature. However, the counties were relieved from the duty of levying local taxes for education, with the result that some counties used the educational tax for military purposes, and others suspended collection of school taxes until the war should end. Also no distribution from the Fund was made in the fall of 1861, nor in the spring of 1862, and from evidence of a later date it seems that the income of the Fund was temporarily used to meet the financial crisis brought about by the war. Yet the school system did not collapse during the war; in the spring of 1865 the Superintendent was receiving reports from every section of the State.

“As the resources of the Fund were not diverted and as the expenditure for school purposes diminished, the deficit of \$22,137.17 at the close of 1861 was wiped out by the end of 1862. Also in the latter year the Wilmington and Weldon Railroad redeemed \$50,000 of its bonds held by the Fund. In 1863 a State loan of \$96,086 was repaid, the dividend of the Wilmington and Weldon quadrupled, and that of the Wilmington and Manchester Railway—for stock in which 2,000 shares of the Wilmington and Weldon stock had been exchanged in 1852—also yielded a dividend of twenty-five per cent. Consequently in spite of increased appropriations for the deaf, dumb, and blind, at the close of the fiscal year 1863, there was a balance of \$250,974 to the credit of the Fund, and the matter of investments again became of importance.

“In 1862 the new trustees of the Literary Fund were appointed by Governor Vance. These were William E. Pell, Professor Richard Sterling, and William Sloan. Carelessness and inefficiency on the part of their predecessors were soon disclosed. No stock certificate for the 5,404 shares of the Bank of Cape Fear could be found; notes for loans to in-

dividuals had been allowed to run until worthless; bonds of the State had not been endorsed, and a payment on the bond of the Clinton Female Institute had not been credited. In 1863 a new office, Treasurer of the Literary Fund, was created by the Legislature, and Mr. Richard H. Battle was appointed to fill it. This activity of the trustees was not long lived. It proved difficult to get the members to meet as often as seemed necessary, and for this reason in 1863 the matter of investments was referred to a committee of Governor Vance and Mr. Pell, with power to act. They made no written account of their work, but from the reports of the Comptroller it is evident that they invested \$651,575.59. Of this, \$476,675.59 was invested in State bonds, as follows: In six per cents, \$112,500 in April, 1863; \$31,000 in November and December, 1863, and January, 1864, at a premium of \$49,490 and accrued interest of \$705.75, and \$110,250 in March, 1864, with accrued interest of \$437.50; in eight per cents, \$15,000 in November, 1863, at \$24,000 premium and \$279.29 interest; in December, \$9,000 at \$15,070 premium and \$203.74 accrued interest; in January, 1864, \$3,000 at \$5,610 premium; in February, \$36,000 at \$62,925 premium and \$1,027.31 interest. Moreover, in November, 1863, \$175,000 was invested in Confederate bonds.

"These investments are among the most interesting ever made by the trustees. The purchases were made in paper currency while the bonds were redeemable in gold; hence the high premiums. But from this standpoint the investments were unwise, for in November, 1864, the Treasurer reported that a North Carolina State bond of \$1,000 brought \$1,850 in Confederate currency, and only \$74 in specie. An inventory of the securities of the Literary Fund late in 1865 showed a shrinkage of \$153,583.06, compared with the amount held in 1860."

No consideration of the value and depreciation of the State bonds and treasury notes would be complete without reference to the attitude of North Carolina toward the funding

policy of the Confederate Government. In March, 1863, Congress provides for the funding of outstanding Confederate notes; those above the denomination of \$5 to be accepted at their face value for bonds, until April, 1864, after which they were to be taxed one-third; notes less than \$5 were fundable in bonds until July, after which they were to be taxed likewise; and those of \$100 or above, if not funded by April, were to be no longer receivable by the government, and were to be taxed one-third of their face value.<sup>22</sup> Now the North Carolina convention had made Confederate notes receivable for taxes and obligations to the State. Two problems therefore arose. One was for the State to outlaw or continue to receive the notes in question; the other was to fund the notes in the treasury. The legislature of Virginia set an example by repudiating the notes for the payment of taxes, while the Richmond banks refused to accept them in the discharge of debts. A similar policy was recommended by the treasurer of North Carolina.<sup>23</sup> However, it met the opposition of Governor Vance. "If one issue of Confederate notes is good," said he, "then all are good, since the same honor is pledged for their ultimate redemption." He also held that the policy of repudiation would bring endless confusion if adopted by the State. The legislature followed the advice of the Governor.<sup>24</sup> It condemned repudiation, either direct or indirect, and provided for an earlier collection of the taxes, so that the treasurer could exchange as many notes as possible for bonds and new notes.<sup>25</sup> However, in 1864, the policy of repudiation was adopted, following the Confederate law of February 17, of that year.<sup>26</sup> Undoubtedly the rapid depreciation of the North Carolina notes in 1863 and 1864

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<sup>22</sup> Schwab, *The Confederate States*, p. 52.

<sup>23</sup> Treasurer's Report, June 29, 1863.

<sup>24</sup> Governor's Message, Extra Session of 1863.

<sup>25</sup> Report of Committee on Currency; Laws, 1863, called session, ch. 13.

<sup>26</sup> Laws, 1864, Adjourned Session of 1863, ch. 15.

was caused to a large degree by the repudiation and depreciation of the Confederate notes, with which they were exchangeable.

The final means of meeting the increase in the expenditures was taxation. The first tax policy was to adopt the principle of ad valorem taxation, which had been rejected in the campaign of 1860. The first step to this end was made by an act of September, 1861, but its thorough application was in the law of 1863. According to the statute of that year an ad valorem tax of two-fifths of one per cent was levied on all real estate, slaves, money and solvent credits, investments, manufacturing establishments, household and kitchen furniture, plate and carriages; two per cent on dividends from manufactures, steamboats and railways; ten per cent on the receipts of non-resident insurance companies and brokers, also all manufacturers were required to pay into the treasury net profits above seventy-five per cent over the cost of production.<sup>27</sup> The interesting feature of this legislation was the taxation of slaves at their value. The first official valuation of slave property was therefore made, amounting to \$162,866,763; the income yielded, \$642,973.83; whereas the value and income from land were \$131,513,732 and \$513,799.82. In 1864 the ad valorem rates were changed, respectively, to one-fifth of one per cent, two and one-half per cent and five per cent. Another method of increasing the revenue was to raise the rates on the poll and licenses, the poll being raised from eighty cents in 1860, to one dollar and twenty in 1863, and three dollars in 1864.<sup>28</sup> The result of the new tax laws was to increase the revenue from taxes from \$696,763 in 1860 to \$1,873,004 in 1863.

#### A. II.—EXPENDITURES.

Expenditures as well as revenue vastly increased, leaping from \$3,536,687.67 in 1860 to \$3,750,039.74 in 1861, to

<sup>27</sup> Laws, 1862-3, ch. 57.

<sup>28</sup> Laws, *passim*.

\$12,167,734.72 in 1862, to \$15,078,922.97 in 1863, and declining to \$6,368,573.57 in 1864. By far the largest item in these expenditures was that for military purposes, being \$2,198,038.02 in 1861, \$6,751,920.30 in 1862, \$8,942,724 in 1863, and \$3,865,272.92 in 1864. These expenditures were divided among three departments as follows.

First was the Quartermaster's. Its duty was to purchase, manufacture and transport supplies, and also to pay the troops. It was not organized until late in 1861, the expectation at the opening of the war being that the Confederate Government would equip the troops. As the task proved too great, it was assumed by the State, with the provision that there should be reimbursement for expenditures. Soon there was conflict between the operations of the Department and that of the Confederacy, well stated by Governor Vance in 1862: "During the administration of my predecessor an arrangement was entered into, according to a resolution of the General Assembly, with the Quarter Master's Department of the Confederate Army by which North Carolina was to receive commutation for clothing her troops and clothe and shoe them herself. And in our agreeing to sell to the Confederate States all the surplus supplies that could be procured in the State, they agreed to withdraw their agents from our markets and leave the State the whole field without competition. This would have enabled the State to clothe and shoe her troops comfortably, and it could have furnished to the Confederate States all that was to be had at reasonable rates; but it was immediately violated. The country was soon and is still swarming with agents of the Confederate States, stripping bare our markets and putting enormous prices upon our agents. This is especially the case in regard to shoes and leather. The consequence has been our troops could not get half supplies from home, and nothing at all from the Confederate Government, because of our agreement to furnish them ourselves."<sup>29</sup> The commutation plan was

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<sup>29</sup> Message, November, 1862.

abandoned in 1862; thereafter the State sent supplies directly to its troops.

Undoubtedly the most interesting enterprise of the State in securing supplies was the direct trade between Wilmington and Liverpool, carried on by vessels purchased by the State, in the face of the Federal blockade. This enterprise was conceived by Adjutant-General Martin, who made the suggestion to Governor Vance soon after Vance's inauguration in 1862. Vance took the matter under advisement. Vance, a few days later, held a lengthy conference on the matter. "The Hon. B. F. Moore took very strong grounds against the State entering into the blockade business, and finally told Vance and General Martin that if they engaged in the business they would both be liable to impeachment. General Martin took the ground that the laws of the State made it his duty to supply clothing to the troops then in the field; that a large sum of money was appropriated for the purpose without any restriction as to where purchases were to be made; that the supplies of the State were not adequate; that the Confederate States were paying the State large sums of money for clothing; that the Confederate notes could be turned into cotton and with cotton bonds buy the ship and clothing without any additional expense to the State, the cotton bonds and cotton itself to be used simply as bills of exchange, where neither the State notes nor Confederate currency would be available. As to the purchase of a ship, General Martin took the ground that he had as much right to do that as to purchase many other articles not mentioned in the law, it being well known that transport ships are a part of the equipment of all modern armies. The Governor reserved his decision, but next morning, when called for it, decided to support General Martin in his effort to sustain the army."<sup>30</sup> When the Legislature met it approved the Governor's action by appropriating \$2,000,000 for the pur-

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<sup>30</sup> Gordon, in *History of the Regiments and Battalions from North Carolina in the Great War, 1861-1865*, I, 28-29.

chase of a vessel and clothing.<sup>31</sup> Accordingly the British steamer Lord Clyde was purchased for \$175,000, and its name was changed to the Advance. In 1863 one-half interest in the vessel was sold, and one-fourth interest was purchased in four other vessels, the Don, the Hansa, and two others in course of construction, one of which, the Annie, was completed. Hon. John White was sent to England as State agent. He made a contract with Alexander Collie & Co., of Liverpool. According to this the State issued cotton and rosin bonds, which were promises to deliver cotton and naval stores within thirty days after the end of the war. These bonds were given a ready market value by redemption in cotton and naval stores, which were shipped through the blockade, and by the deposit of \$1,500,000 of State bonds. The actual amount of cotton and rosin bonds sold is unknown. In 1863 Governor Vance reported that 2,010 bales of cotton had been sent to Liverpool, and in 1864, that 228,000 barrels of rosin were pledged by warrants.<sup>32</sup> The sale of the bonds was so successful that the \$1,500,000 of State bonds had not been used in 1864.

The imports from the blockade were extensive and varied. Blankets, cloth, shoes, socks, flax, thread, sheet iron, paper, leather, wool, cards, bluestone, copperas, belting, flannels, needles, buttons, trousers, bleaching powder, awls, envelopes, and caps were brought in. The amount sold was estimated in 1864 at \$2,672,990, the amount forwarded to the Ordnance Department at \$488,870.45, and the value of goods on hand at \$3,274,691.<sup>33</sup>

But the blockade operations were destined to failure. In their very nature there was a large element of chance, well defined by Treasurer Worth: "We raise money in Europe under the disadvantages always attaching to a borrower of doubtful credit—buy with gold thus obtained and sell what

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<sup>31</sup> Resolution of November 27, 1862.

<sup>32</sup> Message, 1863 and 1864; Treasurer's Report, 1864.

<sup>33</sup> Blockade Statements, Documents of 1864.

costs a dollar in gold for four dollars in Confederate currency, the four dollars being worth about twenty cents in the currency we pay. This is speculation with a vengeance and exhibits about as much common sense as has been usual for three years past.”<sup>34</sup> Moreover, during the last year of the war adversity overtook the blockade runners. The cordon of Federal ships guarding the coast became tighter, and as early as July, 1863, the captain of the *Advance* advised White, the State Agent, to sell the vessel to the Confederate Government.<sup>35</sup> The policy of the Confederate Government was also restrictive. It required that one-third the space in all outbound vessels be reserved for its own trade. Vance appealed to President Davis in behalf of the vessels in which the State had an interest, without result. Congress was then addressed and an act repealing the law was passed, but it was vetoed by the President. A new act exempting vessels owned by states was passed; it also met a veto. However the *Advance* was excepted from the operation of the law by executive action. The other vessels had to submit. The law was fatal to them, for by contract the State had only one-fourth of the outbound cargo and when the law was applied this was reduced to one-sixth.<sup>36</sup> Finally, the *Advance* was captured by the Federal blockading squadron in the summer of 1864.

This misfortune was due to the seizure of the supply of foreign coal reserved for it on the dock at Wilmington by the Confederate authorities for use of the cruiser *Tallahassee*. The *Advance* put to sea with North Carolina coal, which raised such a dark column of smoke from the furnaces that the vessel was easily located by the Federals.

By these influences the blockade operations were so restricted that they were no longer profitable. The accounts were handled exclusively by the executive, without auditing

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<sup>34</sup> Correspondence of Jonathan Worth, I, 275-276.

<sup>35</sup> Andrea to Vance, July 30, 1863 (Vance Mss.).

<sup>36</sup> Vance to Davis, March 77, '64; March 26; Vance to Collie, Aug. 5, '64; Seddon to Vance, Jan. 14, '64 (Vance Mss.).

by the treasurer or comptroller. In 1864 Governor Vance estimated the profits at \$2,495,187.57, but Treasurer Worth doubted the accuracy of this statement.<sup>37</sup> Early in 1865 Vance ordered White to settle up the accounts with Collie & Co., but the Confederacy collapsed before this could be done. Collie & Co. were deeply interested in the fortunes of North Carolina, and at one time sent \$20,000 for use among the unfortunate non-combatants. In August, 1865, W. Collie suggested to Vance that a cotton contract be made between his company and the State similar to that in force during hostilities.<sup>38</sup>

The total expenditures of the Quartermaster's Department reported were \$16,212,853, of which \$4,000,217 were for pay and bounties of soldiers, \$2,150,998 for cotton, and the remainder for supplies of various.<sup>39</sup>

The second department of military expenditures was that of Ordnance. Its activities were not so full of interest as the Quartermaster's, but they were of equal importance. In 1861 the manufacture of arms was undertaken. The arsenal at Fayetteville, which had belonged to the United States, became an arsenal of construction, for which \$200,000 was appropriated. Contracts were also made with private companies. A Wilmington corporation manufactured swords and bayonets, another in Guilford County filled one contract for 300 rifles per month, and supplied approximately 10,000 rifles. The Governor was authorized to subscribe to the stock of companies manufacturing gunpowder. He thereupon subscribed \$10,000 to a mill at Raleigh, and when it was burned, \$20,000 towards rebuilding. The investment was successful, for \$500,000 worth of powder was sold to the Confederate Government, in addition to that supplied to the State. The total expenditures of the Ordnance Department were \$1,673,308.<sup>40</sup>

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37 Message, 1864; Worth Correspondence, *passim*.

38 W. Collie to Vance, August, 1865 (Vance Mss.).

39 Comptroller's Reports, *passim*; Regimental History, I, p. ----.

40 Regimental History, I, 43; Laws, 1860, First Extra Session, ch. 1; Second Extra Session, ch. 2; Comptroller's Reports.

The third department of military expenditures was that of Subsistence, which furnished food supplies. Its operations were very effective. In the first months of the war a large amount of foodstuffs were purchased in Kentucky before embargoes were established by the railroads. In the latter part of 1862 the counties in the northeastern part of the State, which were soon about to be overrun by the Federals, were stripped of cattle, vegetables and forage in cooperation with the Subsistence Department of the Confederate States. Also a corps of agents were employed who were always ready to purchase supplies from the civilians. Wrote the Chief Commissary, "I made up my mind that if the people would part with their commissary stores and take paper money for payment, General Martin should have what he called for. The consequence was that my supplies grew during the whole war, and at the close of it I was feeding about half of Lee's army." However, in March, 1865, Governor Vance reported that the Subsistence Department had broken down, and urged that as many people as possible contribute to the support of one soldier for six months with a ration of eighty pounds of bacon and 180 pounds of flour. The total expenditures of the Subsistence Department were \$1,667,725.<sup>41</sup>

The military expenditures thus far outlined extended approximately to May, 1864, and amounted to \$19,553,886. By November, 1864, the total amount was estimated at \$21,923,407.73<sup>42</sup>. According to agreement the State was to be reimbursed by the Confederate Government. By November, 1864, \$8,091,892.23 had been received, leaving a balance due of \$13,831,515.50.<sup>43</sup>

The financial burdens of the war were not confined to military expenditures. Suffering among the people and demoralization of economic resources made necessary State aid

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<sup>41</sup> Regimental History, I, 37; Northup to Vance, Nov. 2, 1862; Vance to Northup, Nov. 8, 12; Vance, Proclamation, March 1, 1865.

<sup>42</sup> Treasurer's Report.

<sup>43</sup> *Ibid.*

to the unfortunate and large appropriations for general necessities of life. Most prominent of these expenditures were those for the manufacture of salt. The Convention authorized the expenditure of \$100,000 for this purpose, and the appointment of a State Salt Commissioner. Works were erected at Morehead City, and after the capture of that place by the Federals the works were transferred to Wilmington. There they were suspended when yellow fever broke out in 1862, but were later reopened. In 1864 their productivity was diminished by the policy of the Confederate authorities which impressed some of the laborers for the defense of the city. An attack by the Federals did some injury. Another source of salt was the mines of Saltville, Virginia. Governor Vance made a contract with Stuart Buchanan & Co., of that place, by which the State of North Carolina could mine salt for a consideration of \$30,000. His action was unauthorized, but was approved by the legislature when it convened. The salt manufactured or mined under State supervision was apportioned among the counties and sold for less than market prices; for example, in 1864, the State price was \$7.50 per bushel, while the market price was \$19. The total appropriation for salt was \$38,258.93.<sup>44</sup>

The total number of men in the Confederate armies from North Carolina has been estimated at 125,000, while the census of 1860 gave the State a male population between the ages of 20 and 60, of 128,889. The support of the wives and children at home became a problem and a public duty. For this purpose large appropriations were made in 1862, '63 and '64, totalling \$5,000,000, but only \$1,947,141.59 were reported spent. This sum was apportioned among the counties according to white population, and the distribution within each county was left to the county courts.<sup>45</sup> For hospital purposes \$600,000 were appropriated, but only \$25,000 was re-

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<sup>44</sup> Ordinance II, Session No. 6; IV, Session No. 18; Laws, 1862-3, ch. 22; Governor's Message, *passim*; Report of Salt Commissioner; Worth Correspondence, Vol. I, *passim*.

<sup>45</sup> Comptroller's Reports, *passim*.

ported as spent. For vaccination, \$7,628 were spent. For the relief of the people of Washington \$50,000 were appropriated and \$30,000 were spent.<sup>46</sup>

The expenditures for salt, the support of soldiers' families, medical and relief work, were \$2,048,028.52. If this sum be added to the military expenditures, a total of \$23,971,436.25 is derived, which may be considered the financial burden of the war in North Carolina.

By the end of 1864, although the expenditures for the year ending October 31, were less than for 1863 or 1862, the condition of the treasury was serious. There were outstanding obligations amounting to \$5,100,780.34, consisting of \$2,668,365 of coupons unpaid, \$94,000 of principal, temporary loans amounting to \$508,473, \$682,685.72 for the support of soldiers' families, \$908,006.62 for military purposes, \$24,300 for the Surgeon General, \$185,000 for sick and wounded soldiers, and \$20,000 for the people of Washington. To meet these obligations there were in the treasury \$1,526,412.86, leaving a deficit to be supplied of \$3,576,367.48. Treasurer Worth recommended turning the entire support of the army over to the Confederate Government and an increase of taxation rather than the further issue of treasury notes. The measure adopted by the legislature was the authorization of \$3,000,000 of treasury notes and a reduction in the ad valorem schedules. The finances of the next few months remain a closed page, for in the spring the Confederacy collapsed, and the Convention of 1865 repudiated the notes and bonds issued during the war.

#### B.—GENERAL ECONOMIC CONDITIONS.

The strain of the war upon the life of the people increased year by year. During the first year the chief economic evils were those rising from speculation and the lack of sufficient manufactures. The suspension of specie pay-

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<sup>46</sup> Treasurer's Report; Laws, 1864, ch. 23.

ments by the banks in December, 1860, and the issue of a vast amount of treasury notes naturally inflated prices. The demand of supplies for the armies and the withdrawal of men from civil to military life had a similar effect, by diminishing production. Speculation, therefore, became rife at an early date. Said an editorial in the *Raleigh Standard*, "We have repeatedly said, that the extortion and speculation now practised in the South are doing more to hasten our subjugation than anything else beside. Every thoughtful person in the country not involved in the high crime of beggaring the people and the government must see it. Look at the deadening, chilling effect of this speculation mania upon the large masses of the people whose sons and brothers are in the army. Everyone is melancholy and dejected, not at the ill success of our arms, but at the certain disaster which is being brought upon the country by the speculators. The worst enemies of the Confederacy are those who speculate upon salt, flour, bacon, corn, leather, cotton and wollen goods. Many have become suddenly rich, both Jews and Gentiles, and they have no concern except to keep the war raging that they may make money."<sup>47</sup>

A number of measures were taken to minimise the evil of speculation. The convention made engrossing, forestalling, or conspiracy to control prices a misdemeanor.<sup>48</sup> The Governor issued a proclamation prohibiting the exportation for thirty days of salt, bacon, pork, beef, corn, meal, flour, potatoes, shoes, leather, hides, cotton, cloth, yarn and wollen cloth, except for military or public purposes. It was renewed from time to time.<sup>49</sup> To the same end were an ordinance of the convention and laws of legislature prohibiting the distillation of spirituous liquors from grain, sugar cane, molasses, rice, dried fruit or potatoes.<sup>50</sup> The Governor was

<sup>47</sup> *Standard*, November 5, 1862.

<sup>48</sup> Ordinance, II Session, 19.

<sup>49</sup> Such a proclamation was issued by Governor Clarke; also by Vance, which was renewed from time to time, the last renewal that I have noted being in July, 1863.

<sup>50</sup> Ordinance, III Session, 24; Laws, 1862, ch. 10.

authorized to appoint agents to purchase provisions and store them for sale to the people. Governor Vance reported in 1863 that 50,000 bushels of corn, 250,000 pounds of bacon, and a quantity of rice were thus secured in the fall of 1862.<sup>51</sup> The Confederate Government also attempted to check speculation by exempting from military service the employees of these factories whose owners would agree to sell their products at not more than seventy-five per cent above the cost of production. In North Carolina only a few corporations responded. Vance wrote as follows to one manufacturer:

“If the standard of patriotism was no higher in the great mass of the people, we might treat with the enemy tomorrow and consent to be slaves at once and forever. Poor men, with large and often helpless families, go forth to suffer at \$11 per month, supporting their wives and children God knows how, with flour at \$20, shoes and cotton goods at fabulous prices, and yet men who stay at home in protected ease reap a harvest of wealth, which might be truly called a harvest of blood from the necessities of the country, and can not afford to take seventy-five per cent above the cost for the garments for which their protectors stand guard and do battle for their liberties.”

The Confederate Government proposed that the government take over the mills, but Vance would not consent.<sup>52</sup>

Futile but interesting was the action of a convention of appraisers representing all States of the Confederacy which met in Augusta, Georgia, in 1863. It recommended that the legislature of each State levy a tax on all articles sold over the price fixed by the appraisers of the State, equal to the difference between the price fixed and the actual price.<sup>53</sup>

How deep was the feeling among the people on the matter of speculation is shown by many letters written to Governor Vance. One from a soldier's wife reads as follows:

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<sup>51</sup> Laws, 1862-63, ch. 15; Vance, Message, Nov., 1863.

<sup>52</sup> Vance to Fries, Oct. 10, 1862.

<sup>53</sup> Document 13, 1864-5.

"I have four little children and myself. The government allows me \$19 per month. I have to pay from \$28 to \$30 per barrel for corn, \$1 per pound for bacon and I cannot live at such rates. I have had to pay fifty cents per pound for salt all this year and the very highest prices for everything until I have paid out. My husband has been in the army 16 months. He has toiled and undergone hardships not only for me and my children but for those poor timid chicken-hearted speculators who are afraid to go themselves; then when I get out of something to eat and want to buy they would take the last cent for breadstuff enough to last me one week."<sup>54</sup>

The following prices, based on the Raleigh market, illustrate the high cost of foodstuffs during the war:

	1862.	1863.	1864.	1865.
Bacon, lb. -----	\$ .33	\$1.00	\$5.50	\$7.50
Beef, lb. -----	.12	.50	2.50	3.00
Pork, lb. -----	--	1.60	4.00	5.50
Sugar, lb. -----	.75	1.00	12.00	30.00
Corn, bu. -----	1.10	5.50	20.00	30.00
Meal, bu. -----	1.25	5.50	20.00	30.00
Potatoes, bu. -----	1.00	4.00	7.00	30.00
Sweet Potatoes, bu. -----	1.50	5.00	6.00	35.00
Wheat, bu. -----	3.00	8.00	25.00	50.00
Flour, bbl. -----	18.00	35.00	125.00	500.00

The second economic problem was to procure manufactured goods. According to the census of 1860 there were in North Carolina 3,689 manufacturing establishments. They were mostly small ones, for the employees numbered 14,217. Thirty-nine of the factories were cotton mills, seven were woollen mills, while turpentine, flour, meal, and lumber formed by far the largest number of industries. Evidently much of the manufactured products used in the State came from the North and the West, and interference with trade by the war was seriously felt. The deficiency was supplied, to some extent, in three ways. One was that of State activity through the blockade and the

<sup>54</sup> Sally A. Long to Vance, August 20, 1863.

manufacture of salt, already received; second, was the establishment of new factories. In February, 1861, nearly three months before the ordinance of secession, twenty-two manufacturing and mining companies were incorporated—evidence that the prospect of war stimulated industry; and after the opening of hostilities until the end of the war thirty-five other mining and manufacturing companies were chartered.<sup>55</sup> Especially notable was the development of the coal and iron industry in the Deep River section, whose resources had been made known prior to the war. To afford transportation facilities for that section the Chatham Railroad was incorporated with State aid to the extent of \$249,000.<sup>56</sup> The inventive genius of the people was also awakened by the necessities of the war. Soap was made from turpentine, rabbit fur and cotton were used in place of wool in the manufacture of blankets. Drugs and chemicals were also manufactured vitriol in Chatham County, blue mass at Chapel Hill; potash at Fayetteville. Finally home manufactures, which had been carried on extensively prior to the war, were relied on to supply the deficiency of factory-made products. The memory of the heroic efforts in the mansion and the cottage are a part of the Southern traditions of the war, and need no elaboration. In 1863 Governor Vance reported that “the resources of our State and the Confederacy have developed to such a degree that we have every assurance of being able to clothe our troops with our own goods.”<sup>57</sup> Eighteen months later, however, the supply of manufactured goods was exhausted. Says the author of the *Last Ninety Days of the War*, “Children went barefoot through the winter, and ladies made their own shoes over and wore their own homespuns; carpets were cut into blankets and window curtains and sheets were torn up for hospital use.”

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<sup>55</sup> Private Laws, *passim*; Ordinances of the Convention, *passim*.

<sup>56</sup> Vance to White, July 10, 1863.

<sup>57</sup> Vance to Seddon.

The difficulties above outlined were the inevitable result of the resources too slender to support a prolonged war. They were intensified by the policies of the Confederate Government. Food supplies were diminished by the impressment law, which allowed military authorities to seize staple products and pay for them at prices fixed by the government. There were frequent complaints that the prices were too low, that the officials engaged in speculation, and mistreated the civilians. "If God Almighty," wrote Governor Vance, "had yet in store another plague for the Egyptians, worse than all others, I am sure it must have been a regiment or so of half-starved, armed, half-disciplined Confederate cavalry."<sup>58</sup> The Confederate tax in kind also bore heavily on the people, while the amount of Confederate tax in currency yielded in North Carolina is estimated at \$10,000,000. In the fall of 1863, a large number of worn-out cavalry horses were sent to the western counties to recuperate, and owing to the lack of fences they injured the crops. Slaves were also impressed by the Confederate Government for work on the railroads from Charlotte to Danville and from Petersburg to Weldon. The Confederate authorities also impressed railroad iron of the Wilmington, Charlotte and Rutherford road for use in ship building and equipping other lines.<sup>59</sup> The conscript law was also demoralizing those counties where there were few slaves; enforced military service left the farms in the hands of women, boys and old men.<sup>60</sup> Much suffering ensued. Desertion showed a marked increase during 1863 and 1864. In some of the central and western counties the deserters lived in camps and became outlaws, rendering travel dangerous and property insecure.<sup>61</sup>

It is difficult to form an estimate of the effect of the war on commerce and business within the State. Specie payments were suspended by the banks late in 1860, but the

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<sup>58</sup> Vance to Seddon, Dec. 1, 1863.

<sup>59</sup> Vance to Seddon, Feb. 21, 1864.

<sup>60</sup> Letter of Pearson, Fayetteville *Observer*, Jan. 12, 1863.

<sup>61</sup> Worth Correspondence I, *passim*.

issue of bank notes was not excessive, the amount of notes in circulation in 1864 being approximately \$1,000,000 more than in 1860. However, counties, towns, and corporations issued scrip, the amount of which cannot be estimated. In 1861 a stay law was enacted preventing execution for debts excepting official debts, and those of non-residents.<sup>62</sup> It was declared unconstitutional because it prevented any interference by the courts. The statute of limitations was also suspended.<sup>63</sup> Under these conditions the amount of business enterprise seems to have steadily increased, for the number of manufacturing establishments chartered in 1864 was larger than in the preceding years.

### CONCLUSION.

How thorough was the support of the war by the non-combatants? How wise were the measures by which money and supplies were raised? What were the real burdens of those who did not enter the battlefield? The evidence concerning these questions is somewhat conflicting, but the following conclusions are in the main correct.

In financial policies there were radicalism and conservatism. The authorization of a large amount of treasury notes was radical to the extreme; that less were issued than authorized is evidence of conservatism on the part of the Treasury and the Governor. Likewise the large part played by the Executive in financial measures is impossible in days of peace. How efficient were the executive measures cannot be determined, for the accounts were not audited nor were all of them published. In fact it is not possible to make a detailed statement of all expenditures during the first two years of the war, while the expenditures during the last few months were never made public. Lack of wisdom and inefficiency are certainly clear in the management of the Literary Fund and the Sinking Fund.

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<sup>62</sup> Laws, 1860, 1 Extra Sess., ch. 16.

<sup>63</sup> Laws, 1862-63, ch. 50.

An interesting feature of war finance was the conflict between the State and Confederate authorities in the matter of repudiation and procuring supplies. This parallels the conflict in military and constitutional questions.

Economic conditions among the people illustrate heroic sacrifice and unheroic profits. The collapse of the Confederacy did much to bring to a common level the pauper and the speculator.

Finally the military conquest came soon after the crisis in finances and economic exhaustion. The final crisis in finances came in the latter part of 1864, exhaustion of resources is evident in March, 1865, and the surrender of Johnston occurred in the following April.

## Was Esther Wake a Myth?

BY R. D. W. CONNOR.

In his "Defense of North Carolina" Jo Seawell Jones attributes the passage of the bill to erect the Governor's Palace at New Bern in 1766 to the influence with the members of the Colonial Assembly of the beautiful and charming Esther Wake, sister-in-law of Governor Tryon; and also states that Wake County was named in her honor. But later historians have repudiated Jones' statement and insist that Esther Wake is a creature of his fertile imagination. No reference, they say, is found to any such person among the contemporary letters and papers of the period in which she is alleged to have lived either in North Carolina or New York, and inquiries among the members of the Tryon and Wake families in England reveal the fact that neither family has any record of her existence. Mr. Haywood, in his "Governor Tryon of North Carolina," who thoroughly investigated the subject, says:

"But after all said and done, no one has been able to find any trace in the old records of this 'rare and radiant maiden' whom the Tar Heels call Esther. None of the letters of the colonial period mention her. No known documents of any sort in either North Carolina or New York have a word to say of her. When the Governor's House in Fort George, New York, was burned, her name is not given among those of its inmates, though the members of Tryon's household are enumerated. Nor is she mentioned in the will of Mrs. Tryon, who left no children on whom to settle her fortune, and therefore divided it among her friends.

"So all this about settles the fact that Esther Wake—that vision of loveliness which for so many years has been the idol of North Carolina romancers—was none other than a creature of fancy, brought forth from the realms of Fairyland by the pen of a sentimental writer. Many historians, otherwise

accurate, have been firm believers in her existence, and no one can regret more than the author of this biography that our beautiful and fascinating heroine has failed to materialize. Queen of Love and Beauty, farewell!—and peace to your ashes, if you left any.”

But may there not have been letters in existence when Jones wrote his book that have since been lost? This question becomes interesting and pertinent, in view of the finding among the papers of the North Carolina Historical Commission, in Jones' own handwriting, of an account, hitherto unpublished, of Esther Wake in which he quotes references to her found in letters of the period said to be in his possession. The account was found enclosed in a letter from Jones to William A. Graham, dated “New Berne, February 28, 1836,” and is as follows:

“Miss Esther Wake, by Jo. Seawell Jones.

“The city of Raleigh is the capital of the county of Wake, as well [as] of the State of North Carolina. In the year 1788 the people of the State in convention assembled, ordained that the beautiful eminence, now crowned with the ruins of Canova's Washington and the new Capitol, should be in all future time the headquarters of the State government. It is a spot consecrated to the genius of Raleigh and was appropriately chosen in a county founded in honor of a beautiful woman.

“Miss Esther Wake was the sister of Lady Tryon, and came with Governor Tryon to North Carolina in the year 1764. She was, I have been told, at the early age of fifteen on her arrival, and during the six years of her residence in the State, she was truly and emphatically adored by all who had the distinction of her acquaintance. Even the people in their assembled majesty, bowed to the supremacy of her charms and the Assembly of 1770 erected the county of Wake to commemorate her name. Such was the influence of beauty, virtue and wit, among a chivalrous and hospitable people.

“The secret history of our country is as little known as are the secret motives of the human heart. The legislator often acts from a more ignoble impulse than the pleasure of a lovely woman, and then continues to hide even this fair reason under specious considerations of State policy. In the years 1767, 8 and 9 the Assembly voted sixty thousand dollars, to build a Palace for the Governor and the historian of the State will pause an age for any higher inducement for this profligacy of expenditure, than the gratification of this celebrated lady. She was ambitious enough to desire magnificent parlours and bourdoirs, wherein to receive the homage of her numerous admirers, for the Governor previous to the building of the Palace, was compelled to provide his own establishment, which was usually rented from some of the gentlemen of the borough. The heavy taxes levied to complete the edifice contributed to inflame the rebellion of the Regulators, and was more than any other cause the immediate inducement of the famous battle of Alлемance on the 16th of May, 1771. But what were the horrors of war to the youthful members of the Assembly, when compared with those of a lady’s displeasure? The Palace was built, the Regulators were conquered and Miss Esther Wake was gratified.

“‘The proverbial influence of the fair sex in matters of State was well sustained by Lady Tryon and her lovely sister and the enthusiastic spirit of a warm-hearted people estimated even the character of their Governor by the grace, beauty and accomplishment that adorned the domestic circles of his Palace.’ The story of Miss Esther will serve for a beautiful episode in the history of North Carolina. Amidst the petty caucuses of a Province under the government of a subordinate military officer, it is gratifying to discover the secret source of power, even in the volition of a virtuous woman. It is better than an irresponsible cabal of intriguing politicians and when properly watched, will but subserve the interest and honor of a people.

“I have a number of private letters illustrative of the power of Miss Esther, which are almost too romantic for sober reality of historical detail. According to their authority she ruled without an effort or design, though it [is] easy to imagine that the cunning of the Governor could continue to use it for the advancement of his own interest. The younger members unquestionably yielded more easily to her known or expressed wishes from an ambitious hope of gaining her in marriage, but says Colonel John Harvey in a letter of date the 20th of January, 1771, ‘what can be said in defense of those Gentlemen of age and experience who to gratify a Governor’s wife and to be sure [of] her pretty sister should vote fifteen or twenty thousand pounds to build a palace, when the people were not able to pay even their most ordinary taxes, and what is still worse, then go to war with their countrymen, to enforce the unjust law.’ Isaac Edwards, the private Secretary of Tryon, in a letter to Judge Williams of date the 6th of November, 1770, says, ‘the Palace is finished, and we are in it. The Governor is much pleased with it and the ladies are now ready to give entertainments in a stile suitable to their rank and deserts. Miss Wake is in fine humour and is every day planning her party. She has a complete set of new and splendid robes just from home, and when she gets them on, and gets the young assembly-men in the big parlor, she can get a grant of money to build another house for herself.’

“Among those who paid court to the beauty of Miss Esther was Sir William Draper, the conqueror of Manilla and the antagonist of the celebrated Junius. He was the guest of Governor Tryon in the Palace, a circumstance to which the Governor often alluded with evident satisfaction and pride. The Palace itself was dedicated to Sir William, whose name was inscribed on the vestibule, at the head of a few Latin verses of his own composition. It should have been dedicated to Miss Esther Wake, for I learn such was the original

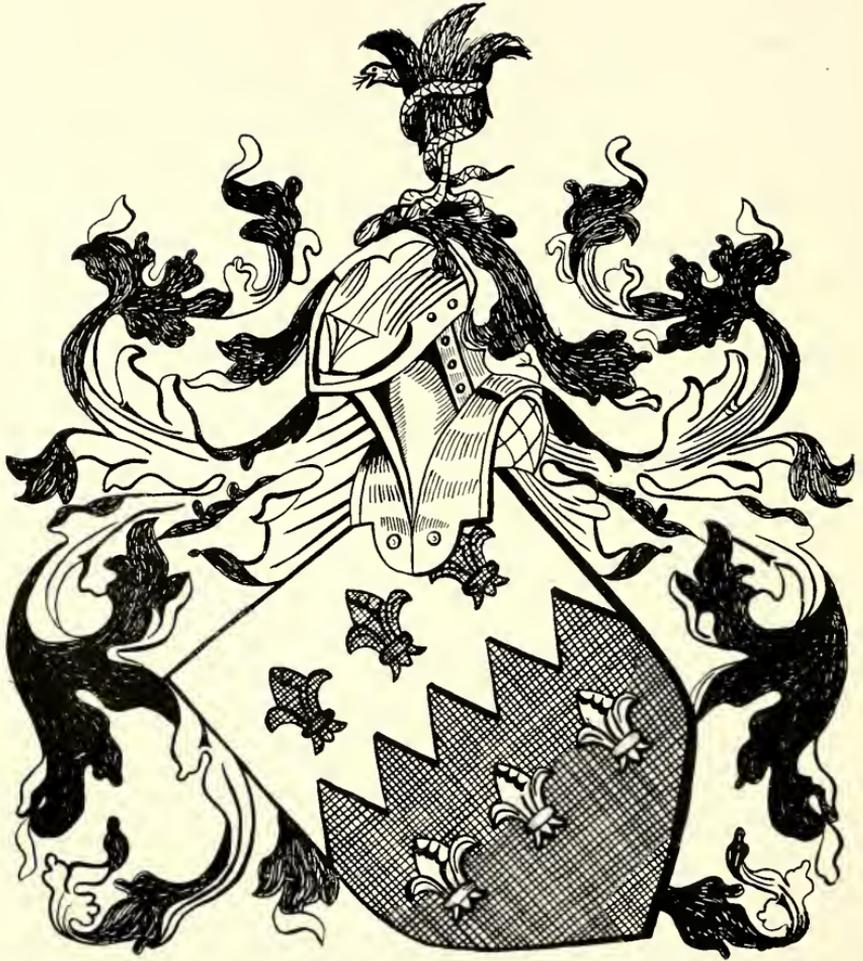
and higher destiny. Here is a letter of Sir William Draper to Sir Nathaniel Duckinfield, of North Carolina:

“Dear Sir Nathaniel—I send one of the Governor’s servants all the way to your house to bear this apology for not coming myself, agreeable to your very polite invitation and my own promise. I might appeal to my ingenuity and frame you a hundred excuses, which you could but accept, but the generosity of the lover, if not of the soldier, must forbid all such subterfuges. So then My Dear Sir Nathaniel take the truth as a great secret, I am in love, and Miss Esther Wake has graciously—”

Here the MS. abruptly ends; the rest is lost.

Unless our modern historians are prepared to charge Jones with inventing the letters of Harvey, Edwards and Draper, from which he quotes with so much circumstantiality, as he is said to have done the character of Esther Wake, they will have to revise their histories and do the lady the justice of restoring her to her place of pre-eminence among the heroines of North Carolina history.





HINTON COAT OF ARMS

## Colonel John Hinton\*

BY MARY HILLIARD HINTON.

The subject of this sketch was an American: so is the writer, dwelling in the "land of the free"—a land so free that we are not even burdened with the custom of cherishing the records of our ancestors, as are our cousins over the sea. When called upon to write of some person who flourished in the Colonial period or at the time of the Revolution, an American does not appear to advantage unless her subject is an eminent one. Yet many excuses may she rightly claim, for, though people have now awakened to an appreciation of our noble Revolutionary history, and we are striving to collect and preserve the same, in many cases we are helpless. The following is some account of an early pioneer who lived not many miles from the present capital of North Carolina.

Colonel John Hinton, of the parish of St. Margaret, County of Wake, province of North Carolina, was a Revolutionary soldier and statesman, whose military career began in the internal troubles of North Carolina, 1768-1771. Many years of his life were devoted to the service of his country and State. Frequently his name appears in the public archives and high praise is there accorded him. He was the son of John Hinton, of Chowan precinct, who died about the year 1732.† The part of Chowan in which he lived is now Gates County. Tradition claims that John Hinton, the younger, was born in London, though it is now believed that he was a native of Chowan precinct, born at the Hinton homestead.

Much light has been thrown on the Hinton genealogy in the

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\*A paper read before the North Carolina Society Daughters of the Revolution, being one of the "Ancestral Papers" prepared by the members of that organization and preserved by the Society. It was published in *The South Atlantic Quarterly*, Vol. I, No. 2, and is reproduced in THE BOOKLET with the permission of the editor. Since it has been impossible to supply orders for copies of the magazine containing this article, because all the early numbers were destroyed by fire, it has been considered advisable to reprint the paper in THE BOOKLET, adding certain data that has been obtained since the publication.

†The will of John Hinton, of Chowan precinct, dated 21 June, 1730, probated 25 April, 1732, is filed in the office of the Secretary of State in the Capitol, at Raleigh, North Carolina.

last decade and a half. Mr. Wharton Dickinson, of New York, one of the finest authorities on English genealogy in this country, has authentically traced the line back to the Norman Conquest. "Earlscott" and "Chilton Foliot" were seats of this family in the County Wilts, England. One of the first of this name to appear in American records was that of Sir Thomas Hinton, knight; it is claimed that he visited the colony of Virginia, which is quite probable, as he was a member of the London Company. He was the first Gentleman of the Bedchamber to James I. of England and Privy Councillor to Charles I. The father of Sir Thomas was Anthony Hinton, Gentleman, born 1532, died 7 May, 1598, who married Martha, daughter of Sir Giles and Lady Estcourt.\* His monument, erected by his grandson, Sir Anthony Hinton, son of Sir Thomas Hinton, is in the south aisle of St. John's Church, Wanborough, County Wilts, and bears this inscription:

"Anthony Hinton Esqr.  
OB May 7, 1598, aged 66,  
grandfather to Mr Hinton  
Privy Councillor to Charles I."

Sir Thomas Hinton was born 1574, died 1 February, 1635. By his first wife, Catherine Palmer, he had five sons and two daughters, four of whom married and left issue, viz.: Sir Anthony married Mary Gresham; Sir William married Mary Popham; Sir John (born July 10, 1603, died October 10, 1682) married Catrina Vander Ruckle; Mary married Captain Samuel Mathews† afterwards governor of Virginia,

\*The Coat of Arms borne by the Estcourts was: "Erm. on a chief indented gu. three estoiles, or. Crest-Out of a mural coronet az. a demi eagle, wings expanded or".

†Fiske, in "Old Virginia and Her Neighbors," gives this picture of the home of the "worthy Capt. Mathews": "He hath a fine house, and all things answerable to it; he sows yearly store of hemp & flax, & causes it to be spun; he keeps weavers, & hath a tan house, causes leather to be dressed, hath 8 shoemakers employed in their trade, hath 40 negro servants, brings them up to trades in his house, he yearly sows abundance of wheat, barley, &c., the wheat he sellth at 4 shillings the bushel, kills store of beeves, & sells them to victual the ships when they come thither; hath abundance of kine, a brave dairy, swine great store, & poultry; he married the daughter of Sir Thomas Hinton, &, in a word, keeps a good house, lives bravely, & a true lover of Virginia, he is worthy of much honour."

and is the ancestress of the Witherspoons of Kentucky. Sir John Hinton came to Virginia with his brother-in-law, Captain Mathews, in 1622, remaining two years; his brothers, Thomas and Sir William Hinton, came to the colony in 1634, but returned to England in 1637.

In 1666 there came to Maryland the first, fifth and sixth sons of Sir John Hinton (son of Sir Thomas Hinton, of "Earlscott," and "Chilton Foliot")—Thomas, Clement and Richard Hinton. From Thomas descend the Hintons of New York and Philadelphia; Clement died unmarried and Richard, it is claimed, was the progenitor of the Hintons of Virginia and North Carolina.

In Burke's *General Armory of Great Britain* are described the Coats of Arms of no less than twelve families of Hinton. The name was sometimes written Hynton. The Arms of the Hintons of "Earlscott" and "Chilton Foliot" are, "Per fesse indented argent and sable, six fleur-de-lis counterchanged. Crest—An eagle's leg erased, entwined by a serpent." These armorial bearings correspond with those used by the Chowan branch of the family, the founder of which was John Hinton, father of Colonel John Hinton of Wake County.

This John Hinton, the elder, of Chowan precinct, was "a man of prominence, wealth and widely spread connection" and was traditionally called "Colonel." Just how he won this military title is not known. On April 4, 1722, he was granted 350 acres of land on Bennet's Creek in Chowan. He married Mary \_\_\_\_\_, who survived him, and, two years after his death, married Thomas Holliday, also of Chowan precinct, but a member of the family of that name in Nansemond and Isle of Wight Counties, Virginia. To John and Mary Hinton were born four sons and seven daughters, as follows: John, Hardy, William, Malachi, Rachel, Mary, Sarah, Nancy, Charity, Rose and Judith. Of this large family few records have been preserved and efforts to trace the genealogy seems at this late date quite a hopeless task. Of the eleven only five have been traced beyond youth,

viz: John, the subject of this sketch; Malachi, who served in the Revolution with the rank of lieutenant; he married an English lady whose name is unknown; among his numerous descendants are the Slocumbs and Pous of Johnston County; Nancy, or Ann as she is called by genealogists of today, married Solomon Alston and is the ancestress of the Hon. James Alston Cabell, of Richmond, Virginia, a member of the North Carolina Society of the Cincinnati, and of Mrs. William Ruffin Cox, for twelve years President of the National Society of Colonial Dames of America; Mary married Wiley Jones and Sarah married Benjamin Blanchard, all of whom, with the exception of Ann, have descendants living in Wake County. There is a tradition that all the seven daughters of John Hinton, the elder, of Chowan, married Alstons, but this needs to be verified.

During the first half of the eighteenth century, John Hinton, the younger, removed to what was then Johnston County. Later, when Wake was erected, his lands fell within the boundaries of the new county. In 1768, when Governor Tryon held a consultation at Hillsborough to consider what steps should be taken to circumvent the movements of the Regulators, John Hinton, then a major of provincial troops in the County of Johnston, was one of the gentlemen who attended the conference. When Wake County was erected by act of Assembly in 1770 (act not to take effect till 1771), Major Hinton became colonel of the colonial forces of the new county. When Tryon raised the forces of the province in 1771 to march against the Regulators, there was much disaffection in Colonel Hinton's county, yet the Colonel himself was a firm friend of the government and finally succeeded in raising his quota. Tryon's military journal shows that Colonel Hinton and his men participated in all of the duties incident to the campaign, the Colonel on one or more occasions acting as president of courts martial for the trial of delinquent soldiers in the army of which his detachment formed a part. He personally participated in the battle of Alamance, May

16, 1771, and his bravery on the occasion was afterwards referred to by Governor Caswell in a message to the legislature during the Revolution.

Colonel Hinton selected as a site for his new home in the wilderness a piece of land six miles east of the present town of Raleigh. Here, near the banks of the Neuse, he built a log cabin. The entrance was in the upper portion of the dwelling, and was reached by means of a ladder, as was the case in many of the habitations of the early settlers. He had Indians for neighbors and wild beasts for nocturnal visitors. Of robust constitution and possessing great bravery, he was capable of wielding the axe and paving the way for the more timid and indolent. Stories of his encounters with ferocious animals are still related. Upon one occasion he sauntered forth with his gun and two dogs for a hunt. Weary and footsore he sat down by a tree to rest and soon fell asleep. In the meanwhile his dogs had a desperate struggle for their lives, and for the protection of their master, with a panther. He was awakened by the fray and escaped uninjured. On one occasion he discovered a panther's lair among some large rocks. Two cunning little cubs were snoozing peacefully away, ignorant of the close proximity of an intruder. Struck with their beauty, he resolved to carry them home for domestication. Taking both in his arms he proceeded but a short distance, when their mother, finding her babies gone, started after him with great fury. Seeing her in pursuit, Hinton put down one of the cubs, which she carried back to its den and then returned to renew the chase. Just as the hunter regained the top of his ladder the mother of his captive again came in sight, but too late. She was shot, and the cub he succeeded in taming.

Colonel Hinton took up many thousands of acres of land by grant from Earl Granville. Grants were given for various tracts at different times. They followed the course of Neuse River, beginning some distance above Milburnie and extending far into Johnston County, a distance of many

miles. In some places the property ran four miles both to the east and west of the river. One tract which is known as "The River Plantation," taken in grant by him, is yet owned by a descendant of the name. There is no deed in existence for this parcel of land, the direct line of descent being sufficient. The Hintons, Hunters and Lanes originally owned most of the County of Wake. The two families last named were allied with the Hintons by marriage.

As civilization advanced, Colonel Hinton erected a residence, considered handsome in those primitive days—a type of colonial architecture—near his old log cabin. It was a frame building, and the bricks used in the foundation and chimneys were of a curious design—perfectly square. This house long since

"Has gone to decay,  
And a quiet now reigns all around."

Only a heap of brick remains to mark the spot where it stood. Many old homes built by Colonel Hinton's sons and their children in Wake County are still in a fairly good state of preservation. Conspicuous among these are "The Oaks" and "Clay-Hill-on-the-Neuse." The latter, the home of Major John Hinton, Jr. (son of Colonel Hinton), was broken into both by the Tories during the Revolution and the Federal troops during the War between the States. A secret drawer in a desk was found and robbed of treasure in each case.

Colonel Hinton was among the first to offer his services to his country when the British yoke could no longer be borne. He was a delegate from Wake County when the Provincial Congress of North Carolina met at Hillsborough in August, 1775. There preparations began for the conflict which was brewing. On the 9th of September, the assembly appointed officers for the minute men in the various counties. For Wake County the following officers were selected: John Hinton, colonel; Theophilus Hunter, lieutenant-colonel; John Hinton, major; Thomas Hines, second major. Colonel Hinton also represented Wake County in the Provincial Congress

at Halifax in April, 1776, and was elected a member of the Committee of Safety for the Hillsborough district, of which Wake County was a part.

On the 27th of February, 1776, was fought the Battle of Moore's Creek Ridge, after a brilliant campaign of about one month's duration. This fight saved the Southern colonies. Some two or three thousand loyalists, under the leadership of General McDonald, were that day completely defeated, and many taken prisoners on their way to join the British fleet at the mouth of the Cape Fear River. Colonel Hinton took an active part in this engagement, and his body-servant, old Uncle Brisco, accompanied him through the campaign. This ancient family favorite lived as late as the middle of the nineteenth century. Nothing pleased the old darkey so much as for others to listen to his stories of the time when "me and marster wuz in de war." His description of this particular battle was both graphic and amusing. After Colonel Hinton's death, this old servant came into the possession of his youngest son, David Hinton. He had the honor of driving the first carriage brought into Wake County, as well as of hitching a horse to the last "gig" driven within its boundaries. The first time he drove this carriage to the front door, his "mistis," a stately dame, was greatly shocked to find the interior of the vehicle filled with fodder! "Where do you expect me to sit, Brisco?" she exclaimed. "Up here wid me, mistis," was the confident reply.

Colonel Hinton lived but a short while to enjoy the liberty he had fought for and aided in winning for the States. He passed away in the spring of 1784. His remains were interred near his home in the family burying-ground.\* He married Grizelle Kimbrough, who was born about 1720,

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\*The grave of Colonel Hinton is unmarked, neither can it be located exactly; for this reason a descendant, wishing to mark his last resting place, was prevented from perfecting the intention. However, instead, as a memorial to him, a gold medal is offered annually in the Academy at Edenton, in his native county of Chowan, to the pupil writing the best essay on some given historical (local) subject. This will be presented each commencement during the life of the donor.

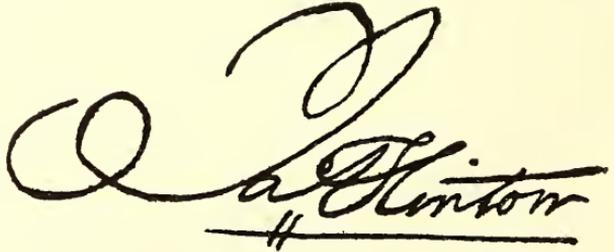
daughter of Buckley and sister of Nathaniel Kimbrough. Eight children survived him, viz.:

1. John Hinton, Jr., a major in the Revolution and a representative from Wake County in the legislature both during



and after the war. He married Ferebee Smith, daughter of the founder of Smithfield in Johnston County, and lived at "Clay-Hill-on-the-Neuse." Some of his descendants, bearing the name, removed to Georgia. Both Major Hinton and his wife are buried at "Clay Hill."

2. James Hinton, also a Revolutionary officer in active service, who married Delilah Hunter, daughter of Colonel



Theophilus Hunter, of "Hunter's Lodge," in Wake County.

3. Sarah Hinton, who married Needham Bryan, Jr., of Johnston County.

4. Mary Hinton, who married Colonel Joel Lane, of "Bloomsbury," in Wake County, on whose old plantation stands the present city of Raleigh.

5. Alice Hinton, who married Captain John James, an officer in the North Carolina Continental Line. One of the children of this marriage was Hinton James, the first graduate of the University of North Carolina. The Bakers of Jacksonville, Florida, trace descent from them.

6. Elizabeth Hinton, who married Thomas James.

7. Kimbrough Hinton, who was married, but the name of

whose wife is not known. His home was called "The Red House." Most of his descendants removed west. The only ones of whom anything is now known are the Yates family of Illinois.

8. David Hinton, of "The Oaks," who married Jane Lewis, daughter of Howell and Isabella (Willis) Lewis, of Granville County. The only son of this marriage was Major Charles Lewis Hinton, for eleven years State Treasurer of North Carolina.

All of the above children are mentioned in Colonel Hinton's will, though his two youngest sons were minors at the time he made it. From this large family have sprung many descendants, but few of whom bear the name of their brave ancestor. His will, recorded in the courthouse at Raleigh, is here given in full:

In the name of God Amen, I John Hinton, Senr. of Wake County and State of North Carolina, being of a sound mind and disposing memory, tho in low state of Health, and knowing that it is appointed for all men once to die, do make constitute & ordain this my last Will and Testament in manner and form following:

IMPRIMIS, It is my earnest will & desire that my Wife Grizeal Hinton shall after my death have the sole use and occupation of all my Estate Real and personal that I shall be possessed of at that time, during her natural life and no longer; and after her decease to be disposed of in the following manner, and that no Legacies be paid in money unless by the consent of my Wife, till her Death—

ITEM, I give and bequeath to my son John Hinton all the lands lying above Farmer's Creek that I am possessed of, to him, and his Heirs and assigns forever—And that my said Son John Hinton may enter upon, and take possession of said Land whenever he pleases—

ITEM, I give and bequeath to my Son James Hinton Ten pounds current money of the State of North Carolina—

ITEM, I give and bequeath to my Daughter Sarah Bryant Wife of Needham Bryant a Negro fellow called Abraham or to her heirs and assigns forever—To receive him at my Death.

ITEM, I give and bequeath to my Daughter Mary Lane Wife of Joel Lane ten pounds current money of the State of North Carolina.

ITEM, I give and Bequeath to my Daughter Alice James wife of John James ten pounds current money of the State of North Carolina—

ITEM, I give and bequeath to my Daughter Elizabeth James wife of Thomas James ten pounds current money of the State of North Carolina.

ITEM, The land that I have in Johnston County I leave to be sold by my Executors, to discharge the aforesaid Legacies of ten pounds, that is to say not to be sold without my Wife's consent—

ITEM, I give and Bequeath all the remainder of my Estate Real & personal to my two Sons Kimbro and David Hinton; the Land equally to be divided between them by a dividing line; no regard being had to the quality of the Land, but to the number of acres, An East and West Course to be the dividing line—The lower part to my son Kimbro with the Manor Plantation—The upper part to my son David Hinton—To them and to their heirs & Assigns forever—Also my Personal Estate to be equally divided between the said David and Kimbro after their mother's death as before mentioned—But in case one or both of my two last mentioned sons should die without issue (viz Kimbro and David), that the Lands that I have devised to them to be equally divided among all my surviving sons in fee simple—And the personal Estate of the aforesaid Kimbro & David Hinton should one or both die without issue to be divided in equal proportion among all my Daughters then living—of him that died—

ITEM, I constitute and appoint my Son John Hinton and James Hinton sole executors to this my last Will and Testa-

ment Revoking by this will all my former Wills and Testaments whatever—

LASTLY, it is my Will and desire that should my wife die before my two sons Kimbro and David Hinton arrive at the years of discretion to manage for themselves, that the lands not to be rented and negroes hired out, but to remain upon the plantation and work the Land for the Benefit of my said two Sons viz Kimbro and David Hinton—In witness whereof I have hereunto subscribed my name and affixed my seal this 9th of January A. D. 1784.

*John Hinton*

(Seal.)

In presence of:

JOHN BOUTIN.

THOMAS GAY (JURAT)

her

MARY X POWELL (JURAT)

mark

Note, before signing we observed the interlineations of—  
all of him that died—David & Kimbro—

JNO. BOUTIN,

THOMAS GAY,

her

MARY X POWELL,

mark.

Though a striking figure in Wake County's early history, and the commander of her military forces in the first part of the War for Independence, little is known of Colonel Hinton at the present time among the generality of people, even in the section which he aided in building up. To preserve in

some measure, the record of his services is the object of this sketch; for, as has been said by a worthy North Carolinian: "If history immortalizes those who, with the cannon and the bayonet, through blood and carnage, establish a dynasty or found a State, surely something more than mere oblivion is due those who, forsaking all that is attractive to the civilized mind, lead a colony and plant it successfully, in harmony and peace, amid the dangers of the wilderness and under the war-whoop of the savage."

## Biographical and Genealogical Memoranda

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Compiled and Edited by MRS. E. E. MOFFITT.

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### WILLIAM J. LEARY, SR.

William James Leary, Sr., the author of the article in this number of *THE BOOKLET* on "The Fisheries of North Carolina," was born on the 2nd day of January, 1854, at the Mount Auburn plantation in Chowan County, about five miles from Edenton, North Carolina. The son of William J. Leary, M. D., and his wife, Elizabeth K., daughter of General Peter Ihrie and wife, Camilla Ross, of Easton, Pennsylvania, and grandson of Thomas Haughton Leary and wife, Parthenia Standing, of Chowan County, N. C. His ancestors were early settlers, and came to Eastern Carolina about 1700. In 1718 Thomas Swann executed a bond for one thousand pounds to William Leary, recorded in Book B., page 577, in the office of the Register Deeds. His father, Dr. William J. Leary, was a man of influence and highly respected for his ability in his profession, integrity, real worth and kindness to people. He died February 12, 1890, leaving children as follows: John L., Walter Ihrie, William James, Mrs. W. H. Skinner, Mrs. James D. Bateman, Ross Ihrie, and Thomas Haughton Leary, and since his death John L., Walter I., and Thomas H. Leary have died.

William James, the subject of this article, received his early education at the primary schools of Edenton, N. C., and from a private school teacher, employed by his father, when he resided on his plantation. Afterwards at his request his father permitted him to attend Calvert College, Maryland, and there he carried off first honors in his Latin classes, and was prepared for Lehigh University, Pennsylvania; and here he ran for the presidency of his class, only losing it by one

vote. After leaving the University he farmed and fished a large seine on the Albemarle Sound for several years, and later took up the study of the law, receiving his license from the Supreme Court January Term, 1878; and later settled in Edenton, N. C., where he began the practice of his profession. In 1894 was elected Solicitor of the First Judicial District, and successfully discharged the duties of that office. He was also Mayor Pro Tem, and a member of the Board of Councilmen for some years. He was chairman of the finance and street committee for a good portion of eight years. He established the method of sending in a written report covering work, with all vouchers attached thereto. These reports were filed as matters of record. There was a committee appointed to investigate the work of the old board, when it went out. The chairman of that committee requested him to write the report of the investigation, and how matters stood, which he did in a fair and honorable manner. In 1880 Mr. Leary married Miss Emma Woodard, the daughter of Mr. and Mrs. James A. Woodard, of Edenton. They have at this date (April, 1915) six children, one daughter and five sons, two of whom are married and each has a little girl. Their home is on the shore of the beautiful bay of Edenton, with its sparkling waters stretched out before them—a sheet of water surpassingly beautiful. Mr. Leary is also a member of the Improved Order of Red Men, and other fraternal organizations, and in 1911 was Great Sachem of the Reservation of North Carolina, and a Great Representative to the Great Council of the Improved Order of Red Men of the United States. He writes occasionally for his town papers, and contributes to other publications.

#### DR. WILLIAM K. BOYD.

For a biographical sketch of Dr. Wm. K. Boyd, see BOOKLET, January, 1908, p. 237. Since that was written he has contributed the following articles to periodicals and books:

"Intellectual Aspects of the Thirteenth Century" (*South Atlantic Quarterly*, July, 1908).

"Battle of King's Mountain" (*Booklet*, April, 1909).

"North Carolina, 1775-1861" (*South in the Building of the Nation*, Vol. I., 1909).

"Interstate Controversies in the South" (*Ibid.*, Vol. 4).

"Two Studies in Southern Biography" (*South Atlantic Quarterly*, July, 1909).

"Antecedents of the North Carolina Convention of 1835" (*Ibid.*, January and April, 1910).

"Three Studies in Southern Problems" (*Ibid.*, October, 1910).

"North Carolina on the Eve of Secession" (*Report of the American Historical Association*, 1910).

"Gideon Welles on War, Politics and Reconstruction" (*South Atlantic Quarterly*, April, 1912).

"Neglected Aspects of North Carolina History" (*Minutes of the North Carolina State Lit. and Hist. Soc.*, 1912.)

"Military Criticisms, by Gen. W. R. Boggs" (*South Atlantic Quarterly*, April, 1912).

"Finances of the North Carolina Literary Fund" (*South Atlantic Quarterly*, July and October, 1914).

"Early Currency and Banking in North Carolina" (*Papers of the Trinity College Historical Society*, 1914).

"Some Phases of Educational Progress in the South Since 1865" (*Essays in Southern History and Biography Inscribed to William A. Dunning*, 1914).

Dr. Boyd has also edited *The Historical Papers* of the Trinity College Historical Society and the *John Lawson Monographs* of the same organization, which include "Autobiography of Brantley York" (1910); "Memoirs of W. W. Holden" (1911), and "Military Reminiscences of Wm. R. Boggs" (1913). In 1910 and 1912 he was Lecturer in History in the Summer School of New York University. For the years 1913 and 1915 he was appointed a member of the General Committee of the American Historical Association,

and in 1912, 1913 and 1914 he was a member of the Executive Committee of the State Literary and Historical Society of North Carolina.

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R. D. W. CONNOR.

Biographical sketches of Mr. R. D. W. Connor appeared in THE BOOKLET in January, 1907, and April, 1912.

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