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Vol. XVIII

JULY, 1918

No. 1

The North Carolina Booklet



GREAT EVENTS IN NORTH CAROLINA HISTORY



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

CONTENTS

	PAGE
Isaac Shelby -----	3
By ARCHIBALD HENDERSON	
Negro Soldiers -----	57
By CHIEF JUSTICE WALTER CLARK	
North Carolina's Dead -----	63
Other North Carolina Heroines -----	64
By MARY HILLIARD HINTON	

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The North Carolina Booklet

Great Events in North Carolina History

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VOLUME XVIII.

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Editor North Carolina Booklet,

"Midway Plantation," Raleigh, N. C.



Elegant Mounted Sword, Presented to Isaac Shelby by the State of North Carolina

The
NORTH CAROLINA BOOKLET

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

Published by
THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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

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The North Carolina Booklet

Vol. XVIII

JULY, 1918

No. 1

ISAAC SHELBY

Revolutionary Patriot and Border Hero

PART II—1780-1783

BY ARCHIBALD HENDERSON

III

At the appointed time, September 25, the several forces united at the rendezvous, already rendered famous by the great treaty held by Colonel Richard Henderson with the Cherokees there in March 1775, the Sycamore Shoals of the Watauga. Hither came Colonel William Campbell with two hundred men, Colonel Arthur Campbell with two hundred men, Colonel Isaac Shelby and Lieutenant-Colonel John Sevier with two hundred and forty men each—uniting with the force of one hundred and sixty men under Colonel Charles McDowell and Major Joseph McDowell, who had been encamped there for some time. An “express” sent by Colonel William Campbell from Washington County, Virginia, had already notified Colonel Benjamin Cleveland of Wilkes County, North Carolina, of the plan; and Cleveland was also urged by an “express” from Colonel McDowell to join the “over-mountain men” on the east side of the mountains with as large a force as he could raise.

The task of raising funds to equip the forces of Shelby and Sevier, and to defray the expenses of the campaign was an extremely difficult problem. The settlers generally had expended their available money for their lands; and so the only available funds were in the hands of the Entry-taker of Sullivan County, John Adair. When Sevier applied to him for

the money needed to defray the expenses of the military expedition, Adair replied:

Colonel Sevier, I have no authority by law to make that disposition of this money. It belongs to the impoverished treasury of North Carolina, and I dare not appropriate a cent of it to any purpose. But, if the country is over-run by the British, liberty is gone. Let the money go too. Take it. If the enemy, by its use, is driven from the country, I can trust that country to justify and vindicate my conduct. Take it.

For this indispensable sum, amounting to twelve thousand seven hundred and thirty-five dollars, Shelby and Sevier pledged themselves to see it refunded or its use legalized by an act of the Legislature; and this recognizance was afterwards scrupulously fulfilled.¹

It seemed to the enemy that the over-mountain men had been assembled as if by magic. "The wild and fierce inhabitants of . . . (the) settlements westward of the Alleghany mountains," said Mackenzie in his *Strictures*, "assembled suddenly and silently." In his letter of October 24, 1780, Lord Rawdon significantly observed: "A numerous army now appeared on the frontier, drawn from Nolachucky, and other settlements beyond the mountains, whose very names had been unknown to us." On September 26, this force of one thousand and forty frontiersmen set forth upon the march. Before leaving the camp at Watauga, a farewell sermon was delivered by the Reverend Samuel Doak, who (according to trustworthy tradition) urged them to do battle valiantly, closing with a stirring invocation to "the sword of the Lord and of Gideon"—a sentiment greeted with a lusty shout of acclaim from the hardy mountaineers. At Quaker Meadows in Burke County, the famous home of the McDowells, which they reached on September 30, there was encamped a force of three hundred and fifty militia—the hardy followers of that fierce and blood-thirsty fighter, Colonel Benjamin Cleveland, "Old Roundabout," who called themselves "Cleveland's Bulldogs"; the stalwart riflemen of Rutherford under Colonel

¹Ramsey: *Annals of Tennessee*, 226.

Andrew Hampton, and the flower of the militant citizenship of Surry led by a born leader of men, a cousin of Patrick Henry, Colonel Joseph Winston.²

Already on September 14 preceding, General William Lee Davidson had ordered Cleveland to unite with other forces to resist Ferguson's advance; and under the present plan the prospects seemed to favor successful resistance. The commanders of the different divisions, all of whom had acted with executive authority, controlled their troops only through voluntary agreement on the part of the privates. In view of petty disorders and insubordination, the commanding officers on the second day (October 2) after resuming the march, held a conference to devise plans for quieting the disturbances, and also for the purpose of choosing a leader. "It was resolved," says Shelby in his *Pamphlet* (1823), "to send to Head-Quarters for a general officer to command us; and that, in the mean time, we should meet in council every day to determine on the measures to be pursued, and appoint any of our own body to put them in execution. I was not satisfied with this course, as I thought it calculated to produce delay, when expedition and dispatch were all important to us. We were then in sixteen or eighteen miles of Gilbert Town, where we supposed Ferguson to be. I suggested these things to the council, and then observed to the officers, that we were all North Carolinians except Col. Campbell, who was from Virginia; that I knew him to be a man of good sense, and warmly attached to the cause of his country; that he commanded the largest regiment; and that if they concurred with me, until a general officer should arrive from Head-Quarters, appoint him to command us, and march immediately against the enemy. To this proposition some one or two said 'agreed.' No written minute or record was made of it."³ Shelby acknowledges that that he did this to "silence the expectation

²A. C. Avery: "Quaker Meadows," in *North Carolina Booklet*, IV, No. 3; W. A. Graham: *General Joseph Graham*, 273-283; G. T. Winston: "The Life and Times of Major Joseph Winston," 1895; J. Crouch: "The Life and Character of Col. Benjamin Cleveland," 1908.

³Appendix to L. C. Draper's *King's Mountain and its Heroes*, 564.

of Col. McDowell" to command the expedition. This was a legitimate expectation on the part of Col. McDowell, who was the commanding officer of the district in which the force was operating, and had, as Shelby further admits, "commanded the armies of militia in that quarter all the summer before against the same enemy." The objections urged against McDowell by Shelby were that he was "too far advanced in life" and "too inactive" for the command of an expedition which required extraordinary resources in strength and endurance. The first objection, mentioned by Shelby at the advanced age of seventy-three, is not founded on fact, and was perhaps due to defective memory; for McDowell was a vigorous young man of thirty-seven in 1780. In his narrative,⁴ Shelby states merely that McDowell "was too slow an officer" for the enterprise. There was at no time any question of the bravery or patriotism of McDowell.⁵

During the progress of the conference, Campbell took Shelby aside and requested that his name be withdrawn and that Shelby himself take the command. To this, Shelby very correctly replied that he was the youngest Colonel present; and that McDowell under whom he had served, would resent his elevation to the chief command. Shelby probably realized that the over-mountain men, at all times unaccustomed to strict military discipline and somewhat prone to insubordination, would not readily accept the leadership in this meteoric campaign of a militia commander conspicuous neither for rare discretion nor for exceptional efficiency. The selection of Campbell was undoubtedly a temporary expedient, a tactful mode of bridging an awkward situation; yet it is clear that these border leaders would never have agreed to Shelby's suggestion that the chief command be given, even temporarily, to Campbell, had they not recognized in him an efficient leader and known him to be a true soldier. One final conclusion is

⁴*American Review*, December, 1848.

⁵Other graver objections to the selection of McDowell as leader of the campaign have been mentioned. In this connection see Draper's *King's Mountain and Its Heroes*, 87-9, and A. C. Avery's "Burke County," 90, in *Western North Carolina* (1890).

irresistible: that Shelby himself, as originator and prime mover in the expedition, more than any other was entitled to the chief command.

Colonel McDowell, who, as Shelby frankly says, "had the good of his country more at heart than any title of command," cheerfully acquiesced in the council's decision; but observed that as he was not to have the chief command, he would volunteer to convey to headquarters at Hillsborough the request for a general officer. On October 4, McDowell started on his errand from the mouth of Cane Creek near Gilbert Town, where the American force was encamped.⁶ He bore with him a significant letter, to which the chief historian of the battle did not have access.⁷ He left his men under the command of his brother, Major Joseph McDowell. Colonel Campbell now assumed temporarily the chief command, but he was to be regulated and directed by the determinations of the Colonels, who were to meet in council every day. It is noticeable that the list of signatures is not headed by that of Campbell, and does not include that of Charles McDowell, the bearer.

Rutherford County, Camp near Gilberttown

Oct 4, 1780.

SIR, We have now collected at this place about 1500 good men, drawn from the Counties of Surry, Wilkes, Burke, Washington and Sullivan Counties in this State, and Washington County in Virginia, and expect to be joined in a few days by Col. Clarke of Georgia, and Col. Williams of South Carolina, with about 1000 more—As we have at this time called out our Militia without any orders from the Executive of our different States, and with the view of Expelling the Enemy out of this part of the Country, we think such a body of men worthy of your attention, and would request you to send a General Officer, immediately to take the command of such Troops as may embody in this quarter—Our Troops being all Militia, and but little

⁶It is worthy of note that, on his way to Hillsborough, McDowell called at the camp of Lacy and Hill, with their South Carolinians, and at that of Williams with the Rowan Corps, at Flint Hill, a dozen miles or so to the eastward of the head of Cane Creek. These forces, being thus notified of the march against Ferguson, formed a junction with Campbell's forces on October 6.

⁷Draper makes no mention of this letter, the original of which is in the Gates Papers, Archives of the New York Historical Society. For a transcript of this letter I am indebted to Mr. Wilberforce Eames, of the New York Public Library, and to Mr. Robert H. Kelby, Librarian of the New York Historical Society.

acquainted with discipline, we could wish him to be a Gentleman of address, and able to keep up a proper discipline, without disgusting the Soldiery—Every assistance in our power, shall be given the Officer you may think proper to take the command of us.

It is the wish of such of us as are acquainted with General Davidson and Col. Morgan (if in service) that one of them Gentlemen may be appointed to this command.

We are in great want of Ammunition, and hope you will endeavor to have us properly furnished with that Article.

Col. McDowell will wait upon you with this, who can inform you of the present situation of the Enemy, and such other particulars respecting our Troops as you may think necessary.

We are Sir, Your most obdt. and very hble. Servts.

BENJA. CLEVELAND,
ISAAC SHELBY,
JOHN SEVIER,
ANDW. HAMPTON,
WM. CAMPBELL,
JO. WINSTON.

(Endorsed)
(Public Service)

The Honorable Major General
Horatio Gates

Commander in Chief of
the Southern Army.

By Col. Charles McDowell Major General Smallwood

Letter from

Col. Cleveland &c^s
4th October 80.

A memorable incident, indicative of the indomitable determination of the American forces, deserves record here. Before resuming the march on October 3, the Colonels notified the assembled troops of the nature and hazard of the enterprise before them; and the offer was made that any one who so desired, might withdraw then and there from the campaign. Shelby thus laconically addressed the men:

You have all been informed of the offer. You who desire to decline it, will, when the word is given, march three steps to the rear, and stand, prior to which a few more minutes will be granted you for consideration.

⁸*Cf. N. C. State Records*, xiv, 663-4. A photographic facsimile of the signatures to this letter, made at my order from the original letter, shows that, contrary to the testimony of Mr. Roosevelt, who spells it "Cleavland," the correct spelling is "Cleveland."

After a pause the order was given that "those who desired to *back out* would step three paces to the rear," but not a man withdrew. Shelby then addressed the men in words which convey a vivid impression of the spirit of the movement and the character of the campaign:

I am heartily glad to see you to a man resolve to meet and fight your country's foes. When we encounter the enemy, don't wait for the word of command. Let each one of you be your own officer, and do the very best you can, taking every care you can of yourselves, and availing yourselves of every advantage that chance may throw in your way. If in the woods, shelter yourselves, and give them Indian play; advance from tree to tree, pressing the enemy and killing and disabling all you can. Your officers will shrink from no danger—they will be consistently with you, and the moment the enemy give war, be on the alert and strictly obey orders.⁹

The taunt of Ferguson, by which he had hoped to intimidate the men of the back-country, evoked a retort he little expected. Ferguson's principal object at this time was to strike a crushing blow at the small band of partisans under Captain Elijah Clarke, who about the middle of September was threatening Augusta, Georgia, and was still hovering dangerously near the Carolina line. Ferguson was hoping for and expecting the return of furloughed loyalists in large numbers under Gibbes, the militia under Cruger at Ninety-Six, or Tarleton's Legion ordered thither by Cornwallis. Two deserters from the camp of the Americans came in on September 30 to warn Ferguson of the approach of the frontier army. Had Ferguson struck straight for Charlotte and a junction there with Cornwallis, he might have eluded Campbell's force. But he was confronted with the danger of permitting the union of the forces of Clarke and Campbell; the necessity of recalling numerous Tories, absent on furlough belonging to his own force; and the danger of disaffection to the loyalist cause on the part of the people of that region. Perhaps Lieutenant-Colonel Cruger had a deeper insight into the nature of the situation than had Ferguson; for in his reply (October 3, 1780) to Ferguson's dispatch of September 30th, with its

⁹Testimony of John Spelts, called "Continental Jack," who was present.

alarming news of "so considerable (a) force as you understand is coming from the mountains," Cruger makes these eminently sane observations: "I Don't see how you can possibly (defend) the country and its neighborhood that you (are) now in. . . . I flattered myself they (the Tory militia) would have been equal to the mountain lads, and that no further call for the *defensive* would have been (made?) on this part of the Province. I begin to think our views for the present rather large. We have been led to this, probably, in expecting too much from the militia."¹⁰

Aware of some of the dangers incident to the situation, Ferguson despatched messengers to Cornwallis, asking for assistance; but these, being pursued, were delayed by reason of the circuitous route they were forced to take, and so did not reach Charlotte until the day after the battle at King's Mountain. Ferguson scorned to seek protection by making a forced march in order to effect a junction with Cornwallis at Charlotte. He preferred to make a stand, and, if possible, to dispose once for all of this barbarian mountain horde. From his camp Ferguson issued the following inflammatory and obscene appeal to the people, well calculated to arouse their bitter hostility to the approaching band, which he characterized as murderers of men and ravishers of women.

Denard's Ford, Broad River,

Tryon County, October 1, 1780.

GENTLEMEN :—Unless you wish to be eat up by an inundation of barbarians, who have begun by murdering an unarmed son before his aged father and afterward lopped off his arms, and who by their shocking cruelties and irregularities, give the best proof of their cowardice and want of discipline; I say if you want to be pinioned, robbed, and murdered, and see your wives and daughters, in four days, abused by the dregs of mankind—in short, if you wish or deserve to live, and bear the name of men grasp your arms in a moment and run to camp.

The Back Water men have crossed the mountains; McDowell, Hampton, Shelby, and Cleveland are at their head, so that you know

¹⁰This letter was found on Ferguson's dead body, after the battle of King's Mountain. See Ramsey: *Annals of Tennessee*, 241-2.

what you have to depend upon. If you choose to be p—d upon by a set of mongrels, say so at once, and let your women turn their backs upon you and look out for real men to protect them.

PAT. FERGUSON,
*Major 71st Regiment.*¹¹

Loitering on his march, presumably in the hope of striking Clarke, Ferguson did not reach King's Mountain until October 6. On reaching Gilbert Town (near Rutherfordton, N. C.) on October 4, the Americans discovered that Ferguson had retired. "Having gained a knowledge of his design," related Shelby, "it was determined in a council of the principal officers to pursue him with all possible dispatch. Accordingly two nights before the action the officers were engaged all night in selecting the best men, the best horses and the best rifles, and at the dawn of day took Ferguson's trail and pursued him. . . . The mountain men had turned out to catch Ferguson. He was their object, and for the last thirty-six hours they never alighted from their horses but once to refresh at the Cowpens for an hour (where they were joined by Col. Williams of South Carolina, on the evening of the 6th with about 400 men), although the day of the action was so extremely wet that the men could only keep their guns dry by wrapping their bags, blankets and hunting shirts around the locks, which exposed their bodies to a heavy and incessant rain."¹²

In this connection, there is need of further detail in regard to the force under Williams. The account given by Draper is at once imperfect and distorted; and his estimate is grievously warped by the prejudiced account written by South Carolinians who held Williams in detestation. James D. Williams was not a South Carolinian; he was born in Hanover County, Virginia, in November, 1740. Since childhood he had lived in Granville County, N. C., whither the Williams

¹¹*Virginia Gazette*, November 11, 1780. The barbarous atrocity alluded to at the beginning of this letter is unsupported by evidence of any kind.

¹²*Autobiography* of Isaac Shelby, an exact transcription of which I procured from the late Colonel R. T. Durrett, of Louisville, Kentucky. The valuable Durrett Collection of Manuscripts on Western History is now owned by the University of Chicago.

family removed at an early date; and here he remained until 1772, when he went to South Carolina and settled on Little River in Laurens County. At the battle of Musgrove Mill, as related by Shelby himself, Williams¹³ commanded the American center, while Shelby and Clarke commanded the right and left wings, respectively. The most reliable authorities state that Williams held the chief command in this battle.¹⁴ On his arrival at Hillsborough whither he conducted the prisoners taken at Musgrove Mill, Williams conveyed the news of this victory to Governor Rutledge of South Carolina, then a refugee from his own State. In recognition of the victory at Musgrove Mill, achieved by the force commanded by Williams, Governor Rutledge commissioned him as a brigadier general in the South Carolina militia.¹⁵ On September 8, Governor Abner Nash of North Carolina instructed General Williams to go to Caswell and other counties and recruit a corps of volunteer horsemen, not to exceed one hundred, for active service against the enemy.¹⁶ This force, about seventy in number, Williams enlisted chiefly while encamped at Higgins' plantation in Rowan County. These recruits were brave and reliable soldiers; and they came from a county noted for its patriotism and its hostility to England. "It was evident and it had frequently been mentioned to the King's Officers," says Banastre Tarleton in his *Campaigns of 1780 and 1781 in the Southern Provinces*, "that the counties of Mecklenburg and Rowan were more hostile to England than any others in America."¹⁷

¹³Cf. "Isaac Shelby," I, p. 140, *North Carolina Booklet*, January, 1917.

¹⁴A *Sketch of the Life and Career of Col. James D. Williams*, by Rev. J. D. Bailey (Cowpens, S. C., 1898).

¹⁵The official report, which in itself constitutes proof that Williams was in command at Musgrove Mill, was drawn up and signed by Williams; and this is the only contemporary report of the battle from the field. On September 5, 1780, Williams' official report was forwarded by General Gates to the President of Congress. The full report was published in the *Pennsylvania Packet* on September 23, and doubtless earlier in North Carolina newspapers; but the substance of the report, doubtless communicated by Governor Rutledge, appeared in the *Virginia Gazette* as early as September 13. Compare also *North Carolina University Magazine*, March, 1855.

¹⁶For a copy of the original order, see Schenck, *North Carolina, 1780-1781*, 143n.

¹⁷The slur cast upon these Rowan recruits by the venomous Colonel Hill in his Manuscript Narrative only reflect upon their author. The Legislature of North Carolina, in November, 1788, acting upon a report submitted by Mr. Thomas Person, resolved: "That the estate of James Williams, deceased, late

The number chosen from the over-mountain men to go forward from the ford of Green River on the night of October 5, was about seven hundred; and at the Cowpens, as accurately stated by Shelby, they were reinforced by four hundred men under Williams.¹⁸ Here a second selection of nine hundred and ten horsemen was made; and Colonel Campbell was retained in the chief command—the urgency of the pursuit making it inadvisable to await the coming of the general officer for whom Col. Charles McDowell had gone to Hillsborough. This force, closely followed by some eighty-odd footmen (“foot-cavalry”) pushed forward from the Cowpens on the night of October 6, in pursuit of the elusive Ferguson.

So heavy was the fall of rain during the forenoon and so weary and jaded were the men, that Campbell, Sevier and Cleveland urged a halt; but to this proposal the iron Shelby, intent upon the capture and destruction of the men who had threatened to hang him, gruffly replied with an oath: “I will not stop until night, if I follow Ferguson into Cornwallis’ lines.” As they approached King’s Mountain, they encountered three men who reported that they were just from the British camp, which was posted upon the plateau, and that there was a picket guard on the road not far ahead. “These men,” says Benjamin Sharp in his account, “were detained lest they should find means to inform the enemy of our approach, and Col. Shelby, with a select party, undertook to surprise and take the picket; this he accomplished without firing a gun or giving the least alarm; and it was hailed by the army as a good omen.”¹⁹

¹⁸On October 2, Brigadier General Williams reported to Major-General Gates that the number then with him in Burke County was “about four hundred and fifty horsemen.” Cf. *N. C. State Records*, xv. 94. He was in error as to his location, which was actually in Lincoln County.

¹⁹*American Pioneer*, February, 1843.

of the State of S. C. be released and acquitted from the payment of \$25,000 advanced to the said deceased in his lifetime (1780) by this state for the purpose of raising men for the defense of this and the United States, it having been manifested to this Assembly that he was in action at the Battle of King’s Mountain where he headed three or four hundred men and in which action he gloriously fell, a sacrifice to liberty.” See W. A. Graham: *Gen. Joseph Graham and His Revolutionary Papers*, 282-3. In speaking of “our march to the Yadkin,” Cornwallis calls the Rowan section “one of the most rebellious tracts in America.”

IV

The remarkable battle which ensued presents an extraordinary contrast in the character of the combatants and the nature of the strategy and tactics employed. Each party ran true to form—the heroic and brilliant Ferguson repeating Braddock’s suicidal tactics of opposing bayonet charges to the deadly fusillade of riflemen, carefully posted, Indian fashion, behind trees and every shelter afforded by the natural inequalities of the ground. In the army of the Carolina and Virginia frontiersmen, composed of independent commands recruited from many sources and each solicitous for its own credit, each command was directed in the battle by its own leader. Campbell, like Cleveland, Shelby, McDowell, Sevier, and Hambright, personally led his own division; but the nature of the fighting and the peculiarity of the *terrain* made it impossible for him, though the chosen commander of the expedition, in actuality to play such a role. The tactics agreed upon in advance by the frontier commanders were simple enough—to surround and capture Ferguson’s camp on the high plateau. The more experienced Indian fighters, Sevier and Shelby, unquestionably suggested the general tactics in accordance with their experience, which in any case would doubtless have been employed by the frontiersmen: to give the British “Indian-play,” namely, to take cover anywhere and fire from natural shelter. Cleveland, a Hercules in strength and courage, who had fought the Indians and recognized the wisdom of Indian tactics, ordered his men, as did some of the other leaders, to give way before a bayonet charge—but to return to the attack after the charge had spent its force.

My brave fellows, we have beaten the Tories and we can do it again. . . . If they had the spirit of men, they would join with their fellow-citizens in supporting the independence of their country. When you are engaged, you are not to wait for the word of command from me. I will show you, by my example, how to fight; I can undertake no more. Every man must consider himself an officer and act from

his own judgment. Fire as quick as you can, and stand your ground as long as you can. When you can do no better, get behind trees or retreat; but I beg you not to run quite off. If we are repulsed, let us make a point of returning and renewing the fight; perhaps we may have better luck in the second attempt than in the first.

The plateau upon which Ferguson was encamped was the top of an eminence about six hundred yards long and about two hundred and fifty from one base across to the other; and its shape was that of an Indian paddle, varying from one hundred and twenty yards at the blade to sixty yards at the handle in width. Outcropping boulders upon the outer edge of the plateau afforded some slight shelter for Ferguson's force; but, unsuspecting of the coming attack, Ferguson had made no *abatis* to protect his camp from the attack to which it was so vulnerable from the cover of the timber surrounding it on all sides. In taking their positions, the center to the North-East was occupied by Cleveland with his Bulldogs, Hambright with his South Fork Boys, from the Catawba (now Lincoln County, North Carolina), and Winston with his Surry Riflemen; to the South were the divisions under Joseph McDowell (brother of Charles) who was in touch with Winston, Sevier and Campbell; while the South Carolinians under Lacey, who was in touch with Cleveland, the Rowan levies under Williams, and the Watauga borderers under Shelby were stationed upon the North side. Ferguson's force consisted of Provincial Rangers, one hundred and fifty strong, and of well drilled loyalists, between eight and nine hundred, seriously weakened by the absence of a foraging party of between one and two hundred who had gone off on the morning the battle occurred. Shelby's men, before getting into position, received a hot fire, the opening shots of the engagement—which inspired Campbell, who now threw off his coat, to shout encouraging orders to his men, posted on the side of the mountain opposite to Shelby's force. When Campbell's Virginians uttered a series of piercing shouts, De

Peyster, second in command, remarked to his chief: "These things are ominous—these are the damned yelling boys."

The battle, which lasted some minutes short of an hour, was waged with terrific ferocity. The loyalist militia, wherever possible, fired from the shelter of the rocks; while the Provincial Corps, with fixed bayonets, steadily charged the frontiersmen, who fired at close range and rapidly withdrew to the very base of the mountain. After each bayonet charge, the Provincials coolly withdrew to the summit, under the accumulating fire of the returning mountaineers, who quickly gathered in their rear. Owing to their elevation, the British, although using the rapid-fire breech-loading rifle invented by Ferguson himself, found their vision deflected, continually firing high; and thus suffered nature's handicap, refraction.²⁰ The militia, using sharpened butcher knives which Ferguson taught them to utilize as bayonets, charged against the mountaineers; but their fire, in answer to the deadly fusillade of the expert squirrel shooters, was belated, owing to the fact that they could not fire so long as the crudely improvised bayonets remained in their pieces. The Americans, continually firing upward, found ready marks for their aim in the clearly delineated outlines of their adversaries; and felt the exultation which animates the hunter who has tracked to his lair and entrapped wild game at bay.

The leaders of the various divisions of the mountaineers bore themselves with impetuous bravery, recklessly exposing themselves between the lines of fire and with native eloquence, interspersed with mild profanity, rallying their individual commands, from end to end, once more to the attack. Campbell scaled the rugged heights, encouraging his men to the ascent. Cleveland resolutely facing the foe, rallied his bulldogs with the inspiring words: "Come, boys, let's try 'em again. We'll have better luck next time." The most deadly charge, led by De Peyster himself, fell upon Hambright's South Fork boys; and Major Chronicle, waving his military

²⁰F. Brevard McDowell: *The Battle of King's Mountain*.

hat, fell dead, the command, "Face to the hill!" dying upon his lips. These veteran soldiers met the shock of the charge; a number of their men were shot down or transfixed, and the remainder, reserving their fire until the charging column was only a few feet away, poured in a deadly volley before retiring. William Lenoir, independently fighting in Winston's column, was in the forefront of the hottest battle, his reckless bravery making him a veritable target for the enemy. He received several wounds and his hair and his clothes were riddled with bullets. The ranking American officer, Brigadier General James Williams, was mortally wounded on the "very top of the mountain, in the thickest of the fight"; and as he revived for a moment, an eye-witness relates, his first words were: "For God's sake, boys, don't give up the hill." Hambright, sorely wounded, his boot overflowing with blood and his hat riddled with three bullet holes, declined to dismount, but pressed gallantly forward, exclaiming in his "Pennsylvania Dutch": "Huzza, my prave poys, fight on a few minutes more, and te pattle will be over!" On the British side Ferguson was supremely brave, rapidly dashing from one side to the other, oblivious to all danger. Wherever the shrill note of his silver whistle sounded, there the fighting was hottest and the British resistance deadliest. His officers fought with the characteristic steadiness of the British soldier, and again and again charged headlong against the wavering circle of the frontiersmen.²¹

Ferguson's authentic boast—that "he was on King's Mountain, that he was king of the mountain and that God Almighty could not drive him from it"—was doubtless prompted, less by belief in the impregnability of his position, than by a desire to inspire confidence in his men. His position was admirably chosen for defense against attack by troops employing regulation tactics; but never dreaming of the possibility of sudden investment, Ferguson had erected no defenses for

²¹Forerunners of the Republic: "Isaac Shelby," *Neale's Monthly*, March, 1913.

his encampment. The disesteem in which he held the mountaineers found expression in the passionate declaration: "I will never surrender to such damned banditti as the mountain men." His frenzied efforts on the battle-field seem like a mad rush against fate; for his position was indefensible against the peculiar tactics of the frontiersmen. While the mountain flamed like a volcano and resounded with the thunder of the guns, a steady stricture was in progress; the lines were drawn tighter and tighter around the trapped and frantically struggling army; and at last the fall of their commander, riddled with bullets, proved the mad futility of further resistance. The game was caught and bagged to a man. When Winston with his fox-hunters of Surry dashed recklessly through the woods, says a chronicler of the battle, and "the last to come into position:

'Flow'd in, and settling, circled all the lists,'

then

'From all the circle of the hills

Death sleeted in upon the doomed.'"²²

V

In reviewing the details of the battle, especial interest attaches here to everything which concerns Isaac Shelby. In a contemporary letter to his father, he gives the following terse account of the battle:

That Providence who always rules and governs all things for the best, so ordered it that we were around them before we were discovered, and formed in such position, so as to fire on them nearly about (sic) the same time, though they heard us in time to form and stood ready. The battle continued warm for an hour; the enemy finding themselves so embarrassed on all sides, surrendered themselves prisoners to us at discretion.

They had taken post at that place with the confidence that no force could rout them; the mountain was high, and exceedingly steep, so

²²J. W. de Peyster: "The Affair at King's Mountain." Reprinted from *The Magazine of American History*, Dec., 1880. Cf. also the same writer's sketch: "The Battle or Affair of King's Mountain," 1881. These give the extreme British view.

that their situation gave them greatly the advantage; indeed it was almost equal to storming a battery. In most cases we could not see them until we were within twenty yards of them. They repelled us three times with charged bayonets; but being determined to conquer or die, we came up a fourth time, and fairly got possession of the top of the mountain.²³

The final general order to the mountain men, before the engagement, was eloquent of the general determination: "Fresh prime your guns, and every man go into battle firmly resolved to *fight till he dies!*"

"The enemy," says Robert Campbell, "annoyed our troops very much from their advantageous position. Col. Shelby, being previously ordered to reconnoitre their position, observing their situation, and what a destructive fire was kept up from those rocks, ordered Robert Campbell, one of the officers of the Virginia Line, to move to the right with a small company to endeavor to dislodge them, and lead them on nearly to the ground which he had ordered them, under fire of the enemy's lines and within forty steps of the same; but discovering that our men were repulsed on the other side of the mountain, he gave orders to advance, and post themselves opposite to the rocks, and near to the enemy, and then returned to assist in bringing up the men in order, who had been charged with the bayonet. These orders were punctually obeyed, and they kept up such a galling fire as to compel Ferguson to order a company of regulars to face them, with a view to cover his men that were posted behind the rocks. At this time a considerable fire was drawn to this side of the mountain by the repulse of those on the other, and the Loyalists not being permitted to leave their posts. This scene was not of long duration, for it was the brave Virginia volunteers, and those under Col. Shelby, on their attempting rapidly to ascend the mountain, that were charged with the bayonet. They obstinately stood until some of them were thrust through the body, and having nothing but their rifles by which to defend themselves, they were forced to retreat.

²³*Virginia Gazette*, Nov. 4, 1780.

They were soon rallied by their gallant commanders, Campbell, Shelby, and other brave officers, and by a constant and well-directed fire of their rifles, drove them back in their turn, strewing the face of the mountain with their assailants, and kept advancing until they drove them from some of their posts."²⁴ Shelby's men, by his own statement, actually reached the summit of the mountain which "was covered with flame and smoke and seemed to thunder."²⁵

The regiments of Shelby and Campbell began the attack; and the enemy first fired upon Shelby's men before they were in position. This galling fire distressed the mountaineers, who were heard to mutter that "it would never do to be shot down without returning the fire." To which the intrepid Shelby coolly replied: "Pass on to your places, and then your fire will not be lost."²⁶ Bancroft says: "Shelby, a man of the hardiest make, stiff as iron, among the dauntless singled out for dauntlessness, went right onward and upward like a man who had but one thing to do, and but one thought—to do it." Brave as he and his men were, says Draper, they, too, had to retreat before the charging column, but firing as they retired. When, at the bottom of the hill, Shelby wanted to bring his men to order, he would cry out—"Now, boys, quickly reload your rifles, and give them another hell of a fire."²⁷

Throughout the entire battle, Shelby's inspiring battle-cry was: "Never shoot until you see an enemy, and never see an enemy without bringing him down."²⁸

Shelby was in the very front line of the fight from the outset of the engagement to its very close. "When the British were loudly calling for quarters, but uncertain whether they would be granted," says Benjamin Sharp, "I saw the intrepid Shelby rush his horse within fifteen paces of their lines, and commanded them to lay down their arms, and they should have quarters. Some would call this an impru-

²⁴*Annals of the Army of Tennessee*, Oct., 1878.

²⁵Haywood's *Tennessee*.

²⁶ Foote's *Sketches of North Carolina* (Graham's *Sketch*), p. 268.

²⁷MS. statement of Gen. Thomas Love, derived from Captain David Vance.

²⁸Nile's *National Register*, iv. 403.

dent act, but it shows the daring bravery of the man.”²⁹ As the demoralized Tories continued to cry “Quarters! Quarters!,” Shelby fiercely shouted: “Damn you! If you want quarters, throw down your arms!” In a letter written by John Sevier to Isaac Shelby (Aug. 27, 1812), we read: “You were in the heat of the action. I frequently saw you animating your men to victory. At the surrender, you were the first field officer I recollect to have seen. . . . I perfectly recollect on seeing you at the close of the action, that I swore by — they had burnt off your hair, for it was much burnt on one side.”

Owing to the volley fired upon the victors by a returning foraging party of the British, a fire which killed the daring General James Williams, the incensed Americans under Campbell's orders returned the fire, though the British had already surrendered. This created a very alarming situation, and Shelby, who feared that the enemy might yet, perhaps, snatch up their arms in self-defense and resume the battle, exclaimed: “Good God! What can we do in the confusion?” “We can order the prisoners from their arms,” said Captain Sawyers. “Yes,” responded Shelby, “that can be done”; and the prisoners were accordingly marched off, and placed under a strong guard.

Ferguson was mortally wounded near the close of the action; and as he was being carried off, the exultant Shelby rode up and with incredible callousness said to him, though doubtless life was then totally extinct: “Colonel, the fatal blow is struck—we’ve Burgoyned you.”³⁰ In the division of Ferguson's effects, the foot-long silver whistle, the piercing note of which had been heard again and again above the clamor and din of the battle, fell to Shelby's lot.

According to expert military opinion, the plan of attack employed by the Americans was probably the only method of assault by which the British could have been defeated. Impartial examination of all the evidence available, which

²⁹*American Pioneer*, Feb., 1843.

³⁰Related by Thos. H. Spelts and Thomas H. Shelby, a son of the Colonel.

includes much material not accessible to Draper, leads to the conclusion that the chief credit for inaugurating the entire campaign belongs to Shelby. The nominal leadership was conferred upon Campbell; and among the reasons, not already mentioned, assigned for giving him the chief command, were that he commanded the largest division of the forces and had come from the greatest distance. In the battle the conditions of combat enabled him to do little more than lead the men of his own division; and this he did with conspicuous bravery and gallantry. It is scarcely to be doubted that the very tactics pursued in the battle, the only tactics it would seem which could have been successful, were outlined, not by Campbell, but by Shelby himself. The following significant lines, from a letter written to Shelby by Colonel John Sevier, from Marble Springs, Tennessee, August 27, 1812, are eloquent on the point:—

As to the plan of attacking the enemy, yourself was the only person that named the mode to me, and the same was acceded to unanimously. No doubt you recollect we argued on the manner of attack immediately after Ferguson's spies were taken, while we were a little in front of our army, and as we were returning back to Campbell and the other officers.³¹

VI

A digression from the continuity of the narrative is necessary at this point, in order to bring to light valuable documents, hitherto unpublished, which throw into truer perspective the role played by Shelby in the King's Mountain campaign. They tend to correct some of the false impressions fostered by Roosevelt and, to a lesser degree, by Draper.

On February 11, 1781, the North Carolina State Senate, in session at Halifax, placed the following on record:—

Resolved, That the Speaker of this House be requested, with the Speaker of the Commons, to transmit to Colonel Campbell, of Vir-

³¹"Hero of Three Wars," by C. H. Todd, in *Journal of American History*, 2nd number, 2nd volume, 1908. These lines from Sevier's letter have been omitted generally by historians, even by Draper in *King's Mountain and Its Heroes* (pp. 575-6). Such an omission is almost inexplicable.

ginia, Colonel Cleveland, Colonel Shelby, and the brave Officers and Soldiers under their command the following address, to wit:

GENTLEMEN :

The General Assembly of the State of North Carolina, impressed with a deep sense of your eminent services during the last Summer's Campaign have unanimously resolved that the Speakers of the two Houses should transmit to you their warmest acknowledgments for your spirited and vigorous Exertions against the formidable body of British Forces under Major Ferguson at King's Mountain. The alacrity with which you stepped forth uncalled for by Authority, your Vigilance in Marching to, and your conduct in, the attack of the Enemy, deserve the highest Encomiums, and strongly mark Patriotism and Heroism united in the same persons. To these Virtues, which you, Gentlemen, so happily possess, your Country is indebted for the important Victory which frustrated the schemes of the enemy, awed many of the disaffected into submission, and rescued the western parts of this State from devastation and ruin and the horrors attendant on a War directed by Tyranny and pursued with vindictive Resentment.

We do therefore in obedience to the order of the two Houses and with the highest satisfaction to ourselves transmit to you the thanks of your country by its representatives in General Assembly.

Ordered that the foregoing Address with the following Message be sent the Commons for concurrence.

MR. SPEAKER AND GENTLEMEN :

We send for your approbation an address proposed by this House to be presented the officers who distinguished themselves in the capture of the British, commanded by Major Ferguson, at King's Mountain.

Resolved, that an elegant mounted sword be presented to each of the following officers, that is to say, Colo. Cleveland, of Wilkes County, Colonel Campbell of Virginia, Colonel Shelby of Sullivan County, Lieutenant Colonel Sevier of Washington County, Lieutenant Colonel Hambright of Lincoln County, Major Winston of Surry County and Major Shelby of Sullivan County for their voluntary and distinguished services in the defeat of Major Ferguson at the battle of King's Mountain.

An extraordinary series of blunders, which to this day have remained unexplained, now took place in connection with the "resolution" above-mentioned. The original journal of the assembly, as well as the printed copy, contains a message from the House to the Senate, approving of the "address"

above-mentioned; but nowhere in the original journal is record or even mention made of any action taken by the House upon the Senate "resolution" concerning the swords. That no steps were taken to procure and present the swords mentioned in the resolution was doubtless due to the fact that the journal contained no record of the joint concurrence of House and Senate in this "resolution"; and consequently no committee was appointed to carry out the terms of the "resolution." Shelby and Sevier both believed that the swords had been voted them by the Assembly.³²

The question which remains unanswered until the present day is: "Did the Legislature of North Carolina in February, 1781, vote the swords to Shelby, Sevier, Winston, and the others mentioned in the 'resolution'?" The original manuscript of the "resolution" itself, still preserved, and now in the Archives of the North Carolina Historical Commission, conclusively shows that the swords were thus voted. Upon it are inscribed the following:—

In the H Commons 11 Feby 1781

Concurred with

By order

Jno Hunt C H C

and the endorsement:

11th Feby laid over til Tomorrow morning.

The "resolution" was "laid over" until February 12, awaiting action upon the "address"; and the "address," bearing the approval of the House, was received by the Senate on February 13. The explanation of the blunder is probably due to the careless reading of the secretary who compiled the journal in failing to note, and so, to record, that the "address" and the "resolution" were two different things and that *both* had been concurred with by the House.

³²N. C. State Records, xvii, 696-7, 704, support the statements made above. In his *Annals of Tennessee*, 248, Ramsey is in error in stating that the General Assembly of North Carolina in 1781 "passed a resolution that a sword *and pistols* should be presented to both Shelby and Sevier." As printed in the N. C. State Records, xvii, 697, "Lewis" is a misprint for "Sevier."

Shortly after the battle of King's Mountain, the General Assembly of Virginia "ordered that a good horse, with elegant furniture, and a sword" be presented to William Campbell.³³ Singularly enough, Virginia like North Carolina was inexplicably dilatory in carrying out the will of the General Assembly. At the instance of friends of the late William Campbell, the General Assembly of Virginia in 1809, it appears, caused a handsome and costly sword, purchased in France, to be presented to William Campbell Preston, William Campbell's grandson.

When this information reached Shelby in 1809, it produced, as he acknowledges, "some feelings of emulation and solicitude, and a sense that equal justice had not been done to all who participated in that memorable achievement." Accordingly, he engaged in private correspondence with John Sevier on the subject; and years afterwards frankly acknowledged that the object of the letters was "to concert with him (Sevier) the means of reminding North Carolina of her ancient promise, and of obtaining those swords which thirty years before had been voted to us, as the honorable memorials of our good conduct, and our country's approbation." Shelby confessed to his very natural sense of the injustice in the recognition of Campbell, while Sevier and himself remained unrecognized.³⁴

VII

During the political campaign of 1812, when Shelby was making the race for the governorship of Kentucky, falsehoods were freely circulated against him, minimizing the part he played in the King's Mountain campaign. To meet these charges, an article signed "Narrator" appeared in the *Kentucky Reporter*, July 25, 1812, giving undue credit to Shelby as leader of the King's Mountain campaign and casting unworthy aspersions upon the bravery of Colonel Campbell. The article was replied to in the same paper, of June 20,

³³Summers: *Southwest Virginia*, 337-9.

³⁴See Governor Shelby's pamphlet: "Battle of King's Mountain."

1813, by William C. Preston, who made a spirited vindication of the charge of cowardice preferred against his grandfather.

Nine years later, the controversy broke forth anew, when Colonel George Washington Sevier caused to be published in the *Nashville Gazette* four private letters written to his father, John Sevier, by Isaac Shelby. In one of these letters, (January 1, 1810), Shelby makes the damaging charge:

It is a fact well known, and for which he (Campbell) apologized to me the day after the action, that he was not within less than one quarter of a mile of the enemy at the time they surrendered to you and myself.

This brought forth from William C. Preston another statement in the newspapers of the day, entitled "Colonel Campbell and Governor Shelby," claiming the chief honors of the victory at King's Mountain for his grandfather, and vehemently repelling the insinuation of cowardice contained in Shelby's private letter to Sevier, lately given to the public by G. W. Sevier.

An elaborate survey and investigation of the whole question was then made by Shelby and published as a pamphlet in 1823.³⁵ Extended replies to this pamphlet were made: by William C. Preston in the *Telescope* of Columbia, S. C., May 10, 1823, and by General John Campbell in the *Enquirer* of Richmond, Va., June 24, 1823. This prolonged and regrettable controversy had certain important consequences, and resulted in establishing certain cardinal facts touching the conduct of Campbell, Shelby and Sevier. Campbell's fame remained entirely undimmed by the charges of Shelby, who, clearly, had misinterpreted a remark made by Campbell on the battle-field; and furthermore Shelby was utterly misled, through the fact that Campbell's body servant rode his horse during the battle, into the belief that Campbell remained in the rear during the action. The credit for initiating the campaign, it was clearly established, belonged to Shelby, who acted in concert with Sevier. There is no reason

³⁵Appendix to Draper's *King's Mountain and Its Heroes*, 560-582.

to doubt that Shelby was entirely honest in believing the charges, however unworthy and untrue, which he preferred against Campbell.

In his article in the *Telescope*, Wm. C. Preston published an affidavit of Colonel Matthew Willoughby, in which he discredited the testimony of Moses Shelby, brother of Isaac, who had testified in the Shelby pamphlet (1823) that during the latter half of the battle of King's Mountain, Campbell remained stationary near the foot of the mountain, in plain sight of him. Colonel Willoughby deputed that "the statement of Moses Shelby would not, perhaps, be credited, from the character he bore about the time and after the battle, as he, with others, was engaged in plundering in the Carolinas, both Whigs and Tories, and running the property so plundered to this side of the mountains."

The following letter from Isaac Shelby to John J. Crittenden, famous Kentuckian, who had been Shelby's Aide-de-camp on the Canadian campaign in the War of 1812, is important as giving valuable evidence, not only concerning the character of Moses Shelby, but also in regard to the battle of King's Mountain. It was evidently not seen by Draper, or by Roosevelt, who accepts, apparently without question, the charges against Moses Shelby.

Danville, June 16th, 1823.

MY DEAR SIR,—You have no doubt before this seen the replies of both General Preston and his son to my publication. Colonel Preston proposes to establish for his own father the merit of planning the expedition which led to Ferguson's defeat.

I have examined the subject in my own mind in every point of view, and cannot in the remotest manner discover wherein General Preston could have had any agency in this exploit. I lived nearly one hundred and twenty miles from him, in a different State, and had no kind of communication with him on the subject, and from every recollection, I am convinced that the statement I gave you is indisputably true. I recollect, however, that Major Cloyd, with three hundred men from the county of Montgomery, commanded by Colonel Preston, fought an action with the Tories at the shallow ford of the Yadkin River, nearly one hundred miles north of King's Mountain, about two weeks after the defeat of Ferguson. It has always been a mystery to me as to Cloyd's destination, or that of the enemy whom

he encountered. I have only understood that they met accidentally in the road, and that the enemy was composed of the enemies in the neighborhood, and of the Bryants, of Kentucky, some of whom were killed in the fight.

If Ferguson was Cloyd's object, he was too weak to effect anything, and besides, Lord Cornwallis, with the British army, lay directly in the route between them. My convictions are so clear on this point I have no fear that General Preston can render my statement doubtful. He proposes, too, to invalidate the testimony of Moses Shelby. I will, for your own satisfaction, give you a short sketch of his history. Moses was in his nineteenth year when he left his father's house to join the expedition against Ferguson and had never before, to my knowledge, been more than forty miles from home. It is well known that our march was too rapid for a youth of that age to trespass in any manner, the army having marched two or three hundred miles, and fought the battle in twelve days, three of which we were detained on the road from different causes. Moses was severely wounded at the Mountain, and the bone of one thigh being fractured, he could be carried but a short distance from the battle-ground, where he lay on his back nearly three months, and was only able to ride out a few days before General Morgan came up into the district of Ninety-Six. He joined Morgan but a day or two before the battle of the Cowpens, on the 17th of January, 1781. Here he was wounded more severely than at the Mountain, and lay, until March or April, under the hands of a surgeon. When Colonel Clarke, of Georgia, came on with his followers to commence the siege of Augusta, his wounds were still sore and open, but at the warm solicitations of Clarke, Moses joined the expedition, and was appointed Captain of horse. It is well known that the siege lasted until May or June following, in which Moses was actively engaged, and Clarke asserted to many that he made several charges on the enemy, who sallied during the siege, which would have done honor to Count Pulaski. Moses returned home shortly after the siege, and never crossed the mountains again during the war. The next year, 1782, he, with other adventurers, went to the new settlements, then forming where Nashville now stands, where he continued off and on until he married, two or three years afterwards. As the settlements progressed down the Cumberland, he was always among the foremost of the pioneers. He finally settled in what is now called Livingston County, Kentucky, where at the unanimous solicitation of the inhabitants, he was appointed colonel of the new county, about the year 1793. He had the command for a number of years. And after the acquisition of Louisiana, he removed to that territory, and now resides on the west side of the Mississippi, two miles below New Madrid, covered with the scars of thirteen deep wounds, received in defence of his country, for which he is too proud to receive a pension, always disdaining to apply for one. In his youth he was of a warm and ardent disposition,

always ready to risk his life for a friend, and profuse of his property (of which he had a considerable inheritance), even to a fault. It would exceed the bounds of a letter to give you a statement of the many hair-breadth escapes and imminent dangers through which he passed. Soon after his marriage, he became impressed with religious sentiments, joined the Methodist Church, liberated his slaves, and, so far as I know and believe, has always supported a good character in that county.

It is possible, while at the South, in 1780-81, from his ardent disposition and the prevailing excitement of the times, that he may in some cases have acted imprudently. The war between the Whigs and Tories was carried on with the utmost rancor and malice, each endeavoring to do the greatest injury to the other.

Colonel Willoughby, whose affidavit has been published, swears to no point. He lived three hundred miles from the scene of action, and his information may have been very erroneous.

If, however, General Preston proves apparently anything more, he shall be answered.

I have made this hasty sketch for your own satisfaction.

I remain, dear Sir, very respectfully, your friend,

ISAAC SHELBY.

JOHN J. CRITTENDEN.³⁶

VIII

After their exchanges of letters in 1810, Shelby and Sevier, throwing conventional modesty to the winds, prepared a joint memorial to the General Assembly of North Carolina. This was presented by the Senator from Surry, Joseph Winston, on December 15, 1812, of which the following record is found:

Mr. Winston presented the memorial of Issac (*sic*) Shelby and John Sevier, setting forth that in consideration of public services rendered during our revolutionary war, and particularly for their conduct at the battle of King's Mountain, the Legislature of the State of North Carolina, in the year 1781, did vote each of the memorialists an elegant sword and pair of pistols, which they have not heretofore applied for or received; and they pray that this testimonial of the approbation of the state for their conduct be now complied with. This memorial being read, was referred to the committee of Propositions and Grievances, and sent to the House of Commons.³⁷

The matter was later referred to a special committee consisting of Messrs. Porter and W. W. Jones on the part of the

³⁶Mrs. C. Coleman: *The Life of John J. Crittenden*, v, 56-8 (1871).

³⁷Senate Journal, 1812.

House, and Messrs. Atkinson and Gaston on the part of the Senate. On December 22, 1812, Mr. Gaston submitted an extended report after investigation, in which it is stated:

Your committee find, upon an examination of the journal of the House of Commons, that the proposed address obtained the approbation and concurrence of the house; but they do not find any determination relative to the second resolution of the Senate, nor any minute that such resolution had been received by them. Your committee, however, have been informed, and so believe, that the House of Commons did concur with the Senate in this latter resolution, as well as in that for presenting to their patriots and heroes the thanks of the Legislature.³⁸

In order to pay what Gaston describes as "the long procrastinated debt of gratitude and honor," the House and Senate unanimously passed the following:—

Resolved, That his Excellency the Governor be requested to procure three elegant swords, such as in his estimation is (*sic*) not unworthy of North Carolina to bestow, on those who have distinguished claims on the gratitude of her citizens; and that he cause them severally to be presented, in the name of this State, to General Isaac Shelby, of Kentucky, General John Sevier of Tennessee, and Colonel Joseph Winston of this State, the three surviving chiefs of the gallant band who fought and conquered at King's Mountain, on the memorable 7th of October, 1780.³⁹

In carrying out the resolution, Governor William Hawkins enlisted the services of the Hon. James Turner, at that time representing North Carolina in the United States Senate. At the instance of Mr. Turner, the swords were purchased in New York by Mr. Robert Walker of Petersburg, assisted by Colonel Swift. The swords thus procured, according to instruction, were "in point of elegance inferior to none that can be procured." The sword presented to Shelby, with which the others were identical save for name, bore upon

³⁸Senate Journal. It seems extraordinary that a man of Gaston's legislative experience should have omitted to examine the original manuscript of the Senate resolution of February 11, 1781, which would have resolved all his doubts.

³⁹It is a source of lasting regret that another regrettable oversight was made at this time. A fourth leader in the King's Mountain campaign whose name was included in the original resolution, was Lieutenant Colonel Hambricht, of Lincoln County, who survived until March, 1817. Grave injustice was done, in that no sword was presented to Lieutenant Colonel Hambricht in 1813.

one side of the hilt the inscription: "King's Mountain—October 7, 1780," upon the other: "State of North Carolina to Colonel Isaac Shelby." Writing to Governor Hawkins from Warren County on September 19, 1813, the Hon. James Turner says concerning these swords: "The one for Col. Shelby was forwarded through the politeness if Mr. Clay, the Speaker of the House of Representatives. The one for Col. Savier (*sic*) was delivered to him by myself (he being in Washington). The one for Col. Winston was forwarded to him by Mr. Yancey, one of the members of Congress from this State. The letters of the Gentlemen was (*sic*) delivered and forwarded by the same Gentlemen who took charge of the swords."⁴⁰

The following letter, just referred to, was sent to Isaac Shelby, then Governor of Kentucky, by Governor William Hawkins of North Carolina.⁴¹

Executive Office, N. C.

Raleigh 17th, July 1813.

SIR, In compliance with a resolution of the General Assembly of this State passed at their last Session I have the honor of tendering you the sword which this letter accompanies as a testimony of the distinguished claim you have on the gratitude of the State for your gallantry in achieving with your brothers in arms the glorious victory over the British forces commanded by Colo. Ferguson at the battle of King's Mountain on the memorable 7th of October 1780. This tribute of respect though bestowed at a protracted period, will not be considered the less honorable on that account when you are informed that it is in unison with a resolution of the General Assembly passed in the year 1781, which from some cause not well ascertained, it is to be regretted was not complied with.

Permit me Sir, to make you an expression of the high gratification felt by me at being the favored instrument to present to you in the name of the State of North Carolina, this testimonial of gratitude—this meed of valour, and to remark, that contending as we are at the present time with the same foe for our just rights the pleasing hope may be entertained that the valorous deeds of the heroes of our

⁴⁰Governor Hawkins' *Letter Book*, 1812-3, 429. For assistance in making these researches, I am indebted to Mr. R. D. W. Connor, Secretary of the N. C. Historical Commission.

⁴¹An exact transcript of the same letter was likewise transmitted to General John Sevier, of Tennessee, and Colonel Joseph Winston, of North Carolina. Cf. Ramsey's *Annals of Tennessee*, pp. 248-254, and "The Life and Times of Major Joseph Winston," by G. T. Winston (Guilford Battleground Company, 1895).

Revolution will animate the Soldier of the existing War and nerve his arm in laudable emulation to like achievements.

I beg you to accept an assurance of the great consideration and respect with which,

I have the honor to be

Sir

Your obedient Servent

WILLIAM HAWKINS.⁴²

This recognition on the part of North Carolina, fitly enough, came with dramatic emphasis at a moment of crisis in the career of Governor Shelby and of the State of Kentucky. In his memorable oration, delivered at Lexington, Kentucky, on August 15, 1826, the Hon. William Taylor Barry thus described the event:

Colonel Shelby was at his residence in Lincoln County, enjoying in affluence, the sweets of domestic life, when he was again called upon to assume the helm of State. At the advanced age of 63, had he wanted an apology, this was an ample one; but his mind was characterized by constancy and invincible firmness. He saw his beloved country, for whose independence he had fought in his youth, again in imminent danger, assailed by the same inveterate foe. The fire of patriotism rekindled in his bosom, he did not hesitate, but abandoning the allurements of ease, and listening only to the voice of honor, we see him again with youthful ardour, entering upon the executive duties, boldly hazarding his reputation in the contingencies of a war, the glorious results of which were yet in the womb of time. The volunteers from Kentucky who had gone forth to battle, notwithstanding the bravery and good conduct of their officers, had met with sad reverses. The dreadful defeats at the River Raisin, and the Rapids of the Miami, had deprived our State of many gallant and patriotic citizens, and filled the country with mourning; the cruelties practised by the savage allies of England, and countenanced by the British officers, was the cause of deep and powerful excitement; the public indignation was aroused and our militia, anxious to revenge their slaughtered countrymen, were impatient to be led to battle. Shelby thought the time had arrived to put an end to the contest in that quarter, and resolved to take the field in person. As he was preparing for the campaign, a happy incident occurred. The delivery of the sword voted him by the Legislature of North Carolina in 1781, had, from some cause, been delayed, and was handed to him

⁴²From the Letter Book of Governor William Hawkins, 1812-1813, pp. 291-2. Collections of the North Carolina Historical Commission. For a copy of this letter I am indebted to Mr. R. D. W. Connor, Secretary of the N. C. Historical Commission. The letter to General Sevier, the duplicate of the present letter, is printed in Ramsey's *Annals of Tennessee*, 249.

just in time to be used in acquiring fresh laurels. Proud emblem of victory—glorious remembrancer of the gallantry and heroism of two wars.⁴³

In the march to Lake Erie and Canada, the famous hero of the Revolution not without deep emotions of pride and religious fervor, "wore upon his thigh a sword just presented to him by Henry Clay, in the name of the State of North Carolina, in testimony of appreciation of his services in the old war for independence."⁴⁴

With the sword was tendered the following letter to Shelby from Henry Clay:

Lexington, 22d August, 1813.

MY DEAR SIR,—I have seen by the public prints that you intend leading a detachment from this state. As you will want a sword, I have the pleasure to inform you that I am charged by Governor Turner and Mr. Macon with delivering to you that which the State of North Carolina voted you in testimony of the sense it entertained of your conduct at King's Mountain. I would take it with me to Frankfort, in order that I might personally execute the commission and at the same time have the gratification of seeing you, if I were not excessively oppressed with fatigue. I shall not fail, however, to avail myself of the first safe conveyance, and if any should offer to you, I will thank you to inform me. May it acquire additional lustre in the patriotic and hazardous enterprise in which you are embarking!

Your friend,

H. CLAY.

The bearer of the letter and the sword was a common friend, William T. Barry, quoted above, who delivered them to Governor Shelby at Frankfort.

The venerable soldier, with his characteristic energy once again taking the field in defense of the liberties of his country, in acknowledgment of the gift of North Carolina wrote the following interesting letter, hitherto unpublished, to the Governor of North Carolina.

⁴³"On the Death of Adams, Jefferson and Shelby," in *Year Book, 1913, of Kentucky Society Sons of the Revolution*. Barry had been Secretary and Aide-de-Camp to General Shelby on the expedition to Canada in 1813; and afterwards became very distinguished in the public life of Kentucky. At one time he was Postmaster General in President Jackson's cabinet.

⁴⁴B. J. Lossing: *Field Book of the War of 1812*, 544-5.

Government House Frankfort Kentucky.

August 26th, 1813.

SIR, On the 23d inst. I had the honor of receiving your letter of the 17th ulto. tendering to me, a Sword which accompanied it, bestowed by North Carolina as a testimony of the flattering sentiments which she entertained in relation to my conduct in the affair of the 7th of October 1780 on King's Mountain.

Engaged as my beloved country then was in a struggle for every thing dear to man, she had a right to expect the zealous exertions of her citizens in her behalf. Devoted to the cause of my country, impelled by a high sense of the obligations, I owed her, and by an utter aversion to the tyranny which was endeavouring to oppress her, I freely participated in those exertions which lead to, & that conflict which terminated so favorable to our arms, & evidently gave a favorable turn to the Revolutionary War, and in relation to which the Legislature of North Carolina have been pleased to express themselves in a manner the most flattering to my feelings.

If the freeborn sons of America wanted any stimulus to draw them forth in defence of her rights, other than a conviction that upon their exertions depended the continuance of those rights—it might be found in the heartfelt satisfaction derived from the consolation of having meritted and received the applause of a grateful [country] for the toils and dangers encountered in her behalf.

Having lived ten years of the happiest part of my life in North Carolina and having received repeated marks of the partiality of my fellow citizens in that Government during my residence amongst them, I have ever entertained the warmest feelings of fraternal affection. and good will for them. And I now accept with veneration & respect this honorable pledge of a continuance of their affection.

With considerations of high respect and Esteem

I have the honor to be

Most respectfully

Your Ob Servant

ISAAC SHELBY.

His Excellency

WILLIAM HAWKINS

Governor of North Carolina.⁴⁵

⁴⁵From the Letter Book of Governor William Hawkins, 1812-3, pp. 414-5. Collections of the North Carolina Historical Commission. For this copy I am indebted to Mr. R. D. W. Connor, Secretary of the N. C. Historical Commission.

IX

The battle of King's Mountain was decisive in its effect—shattering the plans of Cornwallis which till then appeared certain of success, and putting a full stop to the invasion of North Carolina, then well under way. Cornwallis abandoned his prepared campaign and left the State. The initiative of the borderers, the loyalty of the militia, the energy of the pursuit, the perfection of the surprise, all reinforced by ideal tactics to meet the given situation, were the controlling factors in this overwhelming victory, and pivotal contest of the Revolution. The pioneers of the Old Southwest—the independent and aggressive yeomanry of North Carolina, Virginia, and South Carolina—had risen in their might; and without the authority of blundering State governments, had created an army of frontiersmen, Indian fighters, and big game hunters which found no parallel or equal on the continent since the battle of the Great Kanawha.*

The survey of the situation as given by Shelby is interesting as coming from a participant in the events:

This battle happened at the most gloomy and critical period of the Revolutionary War, and was the first link in the great chain of events in the South that established the independence of the United States. It was achieved by raw and undisciplined riflemen without any authority from the Government under which they lived. It completely dispirited the Tories and so much alarmed Lord Cornwallis, who then lay at Charlottstown with the British grand army that on being informed of Ferguson's total defeat and overthrow by the riflemen from the west, and that they were bearing down upon him, three thousand strong, he ordered an immediate retreat, marched all night in the utmost confusion and retrograded as far back as Winnsborough seventy or eighty miles, from whence he did not attempt to advance until reinforced by General Leslie from the Chesapeake with 2,000 men, three months afterward. In the meantime the militia of North Carolina assembled in considerable force at New Providence on the borders of South Carolina under General Davidson. General Smallwood with General Morgan's light corps, and the Maryland line

*Narratives of the King's Mountain campaign, which have proved of value in this research, are the accounts of General Joseph Graham (*Southern Literary Messenger*, September 1845), General William Lenoir (*Wheeler's Sketches of North Carolina*, ii, 105-108) and Captain David Vance (Greensboro, N. C., edited by D. L. Schenck, 1891).

advanced to the same point. General Gates with the shattered remains of his army collected at Hillsborough also came up and the new levies (?) from Virginia under General Stephens of 1,000 men came forward. At the same time, (to wit) the second or third of December, General Green came up and took the command, and thus was dispelled the dismal gloom which had pervaded the Southern States.

Following the battle of King's Mountain, the patriot force hanged nine Tory prisoners. This act has been severely condemned; but it is scarcely to be doubted that nothing short of such drastic action would have had a decisively deterrent effect upon future Tory murderings and depredations. Shelby's own account of this seemingly inexcusable and ruthless act is quoted here, both as a picture of the times and as a recital of Shelby's own part in the matter:

The prisoners were marched back on the trail that the army had advanced upon, as well to join the men who were left behind with weak horses and on foot, as to avoid Lord Cornwallis who they believed to be only thirty or forty miles to the North (incoherent) after meeting the footmen and took a circuitous route towards the Mountains by Gilbert town, where we met an American officer paroled from Ninety six only the day before, who informed, that he had seen eleven American citizens hung at that place within a few days past, merely for their attachment to the cause of their country. This very much exasperated the American officers, at the same time a Representative from Assembly which just set at Hillsborough came into camp and had with him the manuscript of a law, authorizing two justices within the State of North Carolina, to cause to be apprehended any citizen or loyalist who might be found in arms against his country, and if found guilty of treason to order him to immediate execution without any pleading in the case. The army with the prisoners were by this time in Rutherford County in North Carolina, a Sheriff of which, as well as several Justices of the Peace of the said County, were also in camp. Our Commander called a Council of officers to deliberate on the subject, who determined unanimously to try several of the prisoners under the aforesaid act of Assembly. The 8th day after the action they commenced trying them early in the morning beginning with the most atrocious offender first who had committed murder deliberately in cold blood, and who had otherwise murdered and destroyed the families of the Whigs, burned down houses, etc., and committed the most atrocious crimes. They continued to try them until they had condemned 36 to be hung, and at two o'clock in the night following commenced hanging them, after they

had hung nine of them, three at a time, and the fourth parcel of them was just about to be turned off the scaffold it was agreed on by Sevier, Cleveland and Shelby upon a motion of the latter, that they would put a stop to any further execution, and addressed Campbell on the subject, who readily came into their views, and released the three men that were then under the gallows to be executed, one of whom informed that Tarlton would be upon us next morning, that a woman had come into camp in the evening, and gave the information to the British officers, who communicated it to the Tories. The Americans immediately all mounted their horses, and were ready to march as soon as it was light enough to see for the night was excessively dark; as soon as they could see the way they started directly toward the mountains, got into level valley that lead immediately toward the North. We had not marched a mile before DePeyster rode up to Col. Shelby and enquired "which way was that they were going," to which the Col. replied, that they were going up into their native element, the mountains. When DePeyster cried out, "you smell a rat," Shelby replied that they knew all about it. It commenced raining just after daylight, and was I believe, the wettest day I have even seen since; so heavy was the rain that many parts of the valley became waist deep. The Americans continued their march until two o'clock that night, although it was dark as pitch, and the road could be seen by the continued flashes of lightning, when they came to the Catawba River which they supposed to be rising very fast from the quantity of rain that had fallen. The prisoners were forced into the water in a column of six deep as they usually marched, and ordered to hold fast to each other as the current was very strong. Our march that day and night was 36 miles and the river next morning had risen 10 feet. This escape excited feelings of the deepest gratitude in the breasts of the Americans, after they had reached a place of safety. It was a well known fact to all men who lived in that day, that the execution of these nine prisoners, put a stop to the hanging of any more American citizens at Camden and Ninety-six, where several hundred persons had been previously executed at those two places, purely for their attachment to the American cause. The prisoners taken at King's Mountain were given up by the Mountaineers to the militia assembled at Moravian Town to receive them, and afterwards marched to Salisbury where they were crowded into the jail and other houses prepared to receive them.

No account with any pretensions, either to accuracy or consecutiveness, has ever been given of the relation of Shelby, Sevier and the western leaders, to the cause of the Revolution subsequent to the Battle of King's Mountain. The histories teem with inaccuracies and inexplicable confusions of

names and dates. The recent discovery of letters and documents, bearing on this period, make it possible for me to give for the first time, I believe, a reliable and consistent account of the rôle played by Shelby and some of the other frontier leaders in the closing years of the Revolution.

There is an interesting revelation of vanity in Shelby's *Autobiography*, in which he claims the credit, usually ascribed to General Nathaniel Greene, for the plan of campaign which eventuated in Morgan's defeat of Tarleton. This passage gives us an account also of Shelby's movements, following the delivery of the prisoners taken at King's Mountain to the authorities at Salem:

When the British had gotten possession of the posts of Ninety Six and Augusta, they had an open communication with the Southern Indians, and furnished them with arms and ammunition by which means the Cherokees were enabled to wage a constant war against the new settlements forming on the western waters of North Carolina. Col. Shelby had long viewed this evil without being able to devise any means to prevent it. But after the prisoners taken at King's Mountain were disposed of at Moravian town, he set out from there to go to Headquarters, to solicit the Commander-in-Chief to send Gen. Morgan with his light troops into the upper country, to subdue those two posts. He knew from his own knowledge that Morgan would be strongly reinforced by the mountain men, and many others who had left their homes in the upper parts of Georgia and South Carolina rather than submit to the enemy. He found headquarters at a place called New Providence on the border of South Carolina, and under the command of Maj. Gen. Smallwood. He first communicated the object of his visit to camp to Gen. Morgan who seemed highly pleased and gratified at the suggestions made to him, readily entered into his views, saw at once the probable chance of success and said it was just what he had wanted, a separate command. He also made these suggestions to Gen. Smallwood, thinking he might possibly order Morgan on but although he highly approved the measure, he would not take upon himself the responsibility, as Gen. Gates would be in himself in a few days, and advised him to wait his arrival. He waited in camp upwards of a fortnight, when it was announced that Gen. Gates was near at hand. He set out next morning with six or eight officers to go to him and meet him about seven miles from camp with the remains of his army collected at Hillsborough. On Gates' arrival at camp he invited Shelby to dine with him the next day. He was proud to have an opportunity to make his communications, and went before the usual hour.

Gen. Gates gave him a cordial reception and invited him in. Col. Shelby replied that he had some important communications to make to him, that he had come early for that purpose, and would be glad if he would afford him an opportunity to do so. Gates pointing to a log a few rods from his door proposed to sit down on it. Before he heard all that Shelby had to say, he saw the practicability and importance of the measure proposed and observed, that if the board of war of North Carolina then sitting at Charlottstown would aid him with five hundred militia, he would send Morgan up with his light corps immediately. Gen. Gates was accordingly on horseback next morning before sunrise, and as he passed with his guards by Davidson's marked where Shelby lodged; he joined him, and they arrived early at Charlotte. Gates opened the subject to the board of war—which consisted of Alexander Martin alone (who was then or shortly after Governor of the State) who very soon saw the propriety of the measure and requested Shelby to stay until next morning, and take some communications to the Northern counties of the State, which was on his way home where the men must be raised, which he did; for the counties around Charlotte had been drained to form the camp at New Providence which then opposed the enemy. Col. Shelby set out the next morning, from Charlotte, which was about the 2d or 3d of December, 1780, and met Gen. Green about three miles from town, going forward to take command of the Southern army. Shelby had no idea that Tarlton, or any force would be sent up to oppose Morgan in that distant upper county, he only contemplated the reduction of the two posts, Ninety Six and Augusta. And if Gen. Green is entitled to any credit for the defeat of Tarlton by Morgan, it is merely that he permitted the enterprise to go on which led to that event, and which had been planned and ordered by Gen. Gates (on the suggestion of Shelby before he was superseded, and before Green took the command) Col. Shelby was at a loss to determine why so much time had elapsed from Green's taking the command on the 17th of January unless it was owing to the tardiness of the militia orders by the board of war as before stated, to John Morgan, or to the scarcity of provisions. For he can say of his own knowledge that there was never more than two days provisions at any one time while he stayed in the camp near three weeks; the country at that time being drained of supplies.

X

The value which was universally set upon the services of the over-mountain men and their leaders, Shelby and Sevier, following the overwhelming victory of King's Mountain is fully attested in documents of the period. The following

letter, taken in conjunction with the above-quoted passage from Shelby's *Autobiography*, is significant:

Camp New Providence, 23d November, 1780.

Sir: Colo. Shelby have been in camp for some time, waiting to lend his Aid, should anything go on offensive, but apprehending not much will be done this winter. And his domestick business call for him, and he having no command, is now on his way home. I have been speaking to him to raise about three hundred good rifle men this winter for the campaign, & join me early in the spring. He says he would willingly undertake it, provided he had a sanction for it. How far the Assembly of North Carolina would be disposed to countenance such a thing I don't know, but I assure you that a Number of such men would be a valuable Corps when annex'd to the Light Infantry, which must be made equal if not superior to Tarlton's Legion before this country can be defended. If you think proper to countenance a matter of this kind, you'll be kind enough to signify your approbation to Colo. Shelby and point out the mode.

I have the Honor to be, with much

Esteem, your obedt. servt.

DANL. MORGAN.

The Honble. M. Genl. Gates.

The greatest contemporary tribute to the leaders of the King's Mountain campaign, showing the high estimation in which their services were held and the need generally felt for the assistance to the American cause they could render, is found in the following action taken by the North Carolina Assembly at Halifax on February 13, 1781:

Resolved, That Colonel Isaac Shelby of Sullivan County and John Sevier, Esqr., of Washington County, be informed by this Resolve being communicated to them that the General Assembly of this State are feelingly impressed with the very generous and patriotic services rendered by the Inhabitants of the said Counties, to which their influence had in great degree contributed and earnestly urge that they would press a continuance of the same active exertion; that the State of the Country is such as to call forth the utmost powers immediately in order to preserve its freedom and Independence, and that we may by the assistance of our friends in Virginia, as they have occasionally by us, as emergencies induced them, availed of it, we suggest our wishes that Colonel Arthur Campbell and Colonel William Preston of Virginia, thro' the Gentlemen mentioned, may be informed that their spirited conduct heretofore in favor of the

Southern States affords us the most perfect assurance that they will make every active and effectual exertion at the present critical moment in favor of this State.

At this same time, Ex-Governor Richard Caswell, an intimate acquaintance of Isaac Shelby, "depicted to him the melancholy circumstances of his own State. The Tories were in motion all over North Carolina, and their footsteps were marked with blood, and their path was indicated by the most desolating devastations. Governor Caswell conjured him to turn to the relief of his distressed country."⁴⁶ The Continental Congress, through their laudatory resolution of November 15, 1780, and the general officers of the American army, including Gates, Greene and Morgan, having ascertained the military value of the fighting frontiersmen, the inevitable result was that General Greene, on January 30, 1781, wrote to "the famous Colonel William Campbell," reminding him of the glory he had already acquired, and urging him "to bring, without loss of time, a thousand good volunteers from over the mountains."⁴⁷ The difficulties which the frontiersmen were experiencing with the Indians at this period, in a succession of campaigns, put out of the question the sending of any large force to assist Greene in his North Carolina campaign. No sooner had Sevier returned from the King's Mountain campaign than he was called upon to lead three hundred horsemen from Watauga, in conjunction with three hundred from Sullivan County, and one hundred from Washington County, Virginia—the whole under the command of Colonel Arthur Campbell, County-Lieutenant of Washington County, against the Cherokees. Upon the return of Colonel Campbell from this expedition, which was entirely successful, the first of January, 1781, he immediately communicated with General Nathaniel Greene, the Commander of the Southern Department, who accordingly, on February 6, 1781, appointed Arthur Campbell, William

⁴⁶Haywood: *Civil and Political History of Tennessee*. In slavishly following Haywood, Ramsey (p. 251) falls into the error of stating that Caswell, instead of Abner Nash, was Governor of North Carolina in 1781.

⁴⁷Draper: *King's Mountain and its Heroes*, 391; Summers: *South West Virginia*, 327-360 *passim*.

Preston, William Christian and Joseph Martin, of Virginia, and Robert Lanier, Evan Shelby, Joseph Williams and John Sevier, of North Carolina, commissioners to meet commissioners from the Cherokees to treat on the subject of boundaries, to arrange for an exchange of prisoners and terms of peace, and to invite the Indians to appoint a commission to visit Congress.⁴⁸

The treaty was set for March 24, 1781, at the Long Island of Holston River. On that day Colonels Campbell, Martin, Shelby and Sevier assembled there, and sent off one of the Indians captured in the recent campaign to the Indian nation proposing peace and fixing June 10th following as the date for the conference. The date was again postponed until July 20, 1781.⁴⁹ Continued depredations by the hostile Indians earlier in the year seriously hampered the Tennessee and Virginia borderers at this time; and Col. John Sevier, suspecting that "the perpetrators of this mischief came from some hostile towns in the mountain gorges," had resolved to lead an expedition against them.

In March of this year Colonels John Sevier and Isaac Shelby undertook an expedition against the Chickamauga Indians, and to assist in this undertaking 200 of the militia of Washington county joined Colonel Isaac Shelby and marched to the Big Island in the French Broad River, where the troops were rendezvoused, from which point they marched for the sources of the Mobile River, and after the third day they crossed the Tennessee river at Scitico, at which point they held a council with the friendly Indians. On the 6th day they encamped on the Hiawassee river, and on the 7th day they crossed the river and passed into the territory of the hostile Indians, Colonel Sevier with his forces, marched immediately against Vann's Towns, which he reduced to ashes, and thence to Bull Town, at the head of Chickamogga Creek. After the destruction of this town they marched to the Coosa river, where they killed a white man by the name of Clements from whom it was ascertained that he was a sergeant in the British army, and it was believed that he instigated the Indians in their depredations against the frontiers. The army then proceeded to Spring Frog Town, thence up the Coosa river to Estanola and Indian Town which they destroyed. After thus destroying the

⁴⁸Weeks: *General Joseph Martin and the War of the Revolution in the West*, 429-433; Haywood: *Civil and Political History of Tennessee* (1823); Summers: *Southwest Virginia*, 348.

⁴⁹*Calendar Virginia State Papers*, ii, 199.

Indian towns and killing all the Indian Warriors they could find, the troops returned to Chote, where a council was held with the friendly Indians, at the conclusion of which the troops were disbanded and returned to their homes.⁵⁰

Although neither Shelby nor Sevier could lead a force of mountain men to the relief of Greene, Captain Charles Robertson raised a company of about one hundred and fifty volunteers and took a creditable part in the battle of Guilford Courthouse on March 15, 1781.⁵¹ With equal patriotism, Colonel William Campbell raised a company of one hundred men of the militia of Washington County, and on February 25, 1781, set out to join the militia of Botetourt and Montgomery counties, on their march to join General Greene's army. "A large number would have gone," says Arthur Campbell in a letter to Governor Thomas Jefferson, of Virginia, of date February 28, 1781, "were it not for the daily apprehension of attacks from the northward and southern Indians." About March 3, Colonel Campbell with sixty followers in his immediate command, effected a junction with Greene's army; but the total number of the combined forces of William Campbell and William Preston, who reached Greene about the same time, was upwards of four hundred.⁵² These forces fought with staunchness and bravery at Guilford Courthouse, fully justifying Greene's description of the "back country people" as "bold and daring in their make."⁵³

XI

Following the Battle of Guilford Courthouse, Greene devoted his attention to reducing the British posts in South

⁵⁰This account is taken from Summer: *Southwest Virginia*, 360-1. Cf. also Ramsey: *Tennessee*, 268-9; Weeks: *Joseph Martin*, 432. In his Autobiography, Shelby makes no mention of having taken part in this expedition.

⁵¹Ramsey: *Annals of Tennessee*, 251; cf. monograph, *Major Charles Robertson, and Some of His Descendants*, by Mrs. Charles Fairfax Henley. Cf. also Schenck's *North Carolina*, 1780-1, 302.

⁵²*Calendar of Virginia State Papers*, 542; Johnson's *Greene*, i. 455. Draper is in error in giving the citation to Johnson, i. 438, in support of the statement that there were "four hundred mountaineers" under Campbell; the allusion is to the "400 regulars, under Colonel Richard Campbell," who had been organized and despatched to Greene's relief by the Baron Steuben. (Schenck's *North Carolina*: 1780-81, 272.)

⁵³Cf. Ramsey's *Annals of Tennessee*, 251-2, for comments upon the probable results of that battle, had Shelby and Sevier led the over-mountain men to Greene's assistance.

Carolina and Georgia. After the fall of Augusta, on June 25, only Ninety-six remained in British hands; but Greene was foiled in his attack upon that post on June 18 and 19. From the "Camp at Bush River, in the District of Ninety-six, June 22, 1781," Greene once more appealed for aid to the Watauga riflemen in a letter to Isaac Shelby, hitherto unpublished. In this important letter he says:

We have been upon the eve of reducing all the enemies interior posts in South Carolina and Georgia. Ninety-Six was the last and four days more would have completed its reduction, when, unfortunately, we were compelled to raise the siege, the enemy having been reinforced at Charlestown. Lord Rawdon marched out in force and is now in our neighborhood. To secure the advantages of our past success it is necessary we should drive the enemy into the lower country. To enable us to effect this I beg you to march to our assistance a thousand good riflemen, well armed and equipped fit for action. If you can join us in a few days with such a force you will render an important service to the public in general, to the State of South Carolina in particular, and lay me under very particular obligations. I feel myself deeply interested in this application.

At the time when this letter reached Shelby, the military leaders of Virginia and Tennessee were busily concerned in the negotiations for peace with the Cherokees. Isaac Shelby attended the treaty at the Long Island of Holston from July 20 to July 29, 1781. The despatches from the Commissioners to General Greene, reporting the results of this treaty, were entrusted to Shelby for delivery, as it was known that he had promised General Greene to raise a force and march to his aid. The following letter, hitherto unpublished in any history, exhibits in detail the efforts made by Shelby and Sevier to raise and to march a force to coöperate with Greene.

Camp on Watauga Washington County

North Carolina 3d August 1781.

HOND. SIR: In answer to your request of the 22d June last I rote you by the Express, that I should March by the 15th July with what force cou'd be rais'd in this quarter, but the Cherokee Treaty not being over found it impracticable to draw any force from here untill that important Business (to this frontier) was finally ratified, which was done the 29th July, and immediately every step taken to rein-

force you; about 700 good riflemen well mounted were now in motion toward you & should have been down in as short a time as possible but an Express arrived in camp last night from General Pickens that informed us of the Enemys retreat to Orangeburg and perhaps to Charles Town, that distance being so very great for us, the warm season of the year & the men not prepared for so long a Tower, had induced Col. Severe of this county and myself from proceeding on our march, until one hear farther accounts from that quarter tho the men are ordered to hold themselves in readiness to march on the shortest notice, and as our country is now in a state of peace and tranquility, have no doubt but we can furnish you with a large proportion of good men from here whenever you may find necessary to require us.

I have the honour to be with. respect

Your Mo. Obt. Humble Servt.

Endorsed :

ISAAC SHELBY.⁵⁴

From Colo. Shelby
Augt. 3d., 1781.

After Shelby and Sevier concluded not to march, Shelby returned the despatches for Greene, mentioned above, to the Commissioners who had negotiated the treaty with the Cherokees.⁵⁵ Greene had been greatly depressed by the failure of Shelby and Sevier to march their seven hundred riflemen to his assistance; and throughout July he was frequently heard to exclaim: "What can detain Shelby and Sevier?"⁵⁶ Writing to Colonel Lee from Camden on August 25, Greene despondently says: "We are thus far on our way to join Colonel Henderson, but the tardiness with which everybody moves who was expected to join us, almost makes me repent that I have put the troops in motion. Near two hundred of the North Carolina Regulars, who ought to have been here four days past, are not likely to be here for four or five to come. Colonel Shelby, I believe, had gone back, if he ever set out, which I much doubt. General Pickens had not been heard of, and I fear will not have it in his power to bring any con-

⁵⁴Original MS. letter owned by Arthur M. Rutledge, of Louisville, Kentucky. Draper is in error in stating that Greene's letter to Shelby miscarried. (*King's Mountain and its Heroes*, 413) Johnson erroneously cites Sevier as the author of Shelby's letter above (*Greene*, ii, 210).

⁵⁵*Shelby's Autobiography*. The details of the treaty, it seems, have never been published. G. W. Greene clearly is in error in giving the date of Shelby's letter to Greene as August 6 (*Life of Nathaniel Greene*, iii, 374n). Cf. also Johnson: *Greene*, ii, 184-5.

⁵⁶Johnson's *Greene*, ii, 210.

siderable reinforcements; nor do I expect Lieutenant-Colonel Henderson will be able to do much more. The State troops I am told (are) all getting sickly, as is the North Carolina Regulars. Not more than one-half the militia from North Carolina are arrived, and the whole that are here don't exceed four hundred. You know I never despair, nor shrink at difficulties, but our prospects are not flattering."⁵⁷

Greene continued to rely upon receiving reinforcements from Watauga; and after his victory at Eutaw Springs, he despatched to Shelby the following letter, which was to have momentous consequences. This letter was not received by Shelby before the last of September or first of October, as it "came through Virginia, was found in Henry County by a neighbor, and brought out at his leisure."

Head Quarters,
High Hills of Santee
Sept. 16, 1781.

DEAR SIR:

I have the pleasure to inform you that we had an action with the British Army on the 8th in which we were victorious. We took 500 prisoners and killed and wounded a much greater number. We also took near 1000 stand of arms, and have driven the enemy near to the gates of Charleston. I have also the pleasure to inform you that, a large French fleet of nearly thirty sail of the line, has arrived in the Chesapeake bay, with a considerable number of land forces; all of which are to be employed against Lord Cornwallis, who it is suspected will endeavor to make good his retreat through North Carolina to Charleston. To prevent which I beg you to bring out as many riflemen as you can, and as soon as possible. You will march them to Charlotte, and inform me the moment you set out, and of your arrival.

If we can intercept his lordship it will put a finishing stroke to the war in the Southern states.

Should I get any intelligence which may change the face of matters I will advise you. I am with esteem and regard, your most obedient & humble Servant,

NATH. GREENE.

Col. Shelby, back parts of North Carolina.⁵⁸

⁵⁷H. Lee: *Campaign of 1781 in the Carolinas* (1824), 455-6.

⁵⁸Letter of Isaac Shelby to C. S. Todd, June 28, 1822. This letter was first given publicity by Shelby in his *Memoir* because of the unwarranted charge brought by Judge Johnson in his biography of Greene (ii, 258) against Sevier and Shelby for having "deserted" Greene.

Upon the receipt of this letter, Shelby immediately communicated its contents by express to Sevier, who lived fifty miles away, and proposed a rendezvous of their men early in October. In making the enlistments, Shelby assured the volunteers that they should not be absent from their families for more than sixty days.

I made great exertions, and collected the men in a few days thereafter, many of them had not received more than 24 hours notice and lived more than 100 miles from the place of rendezvous—but were willing to go as the call was made for a special purpose—to wit, to intercept Lord Cornwallis who it was suspected would endeavor to make good his retreat through N. Carolina to Charleston and Gen. Green thought and so did I that if we could intercept him, it would put an end to the war in the S. states. To effect this important object, the people on the western waters were induced to volunteer their services—it was for this purpose that they were prevailed upon to leave their homes 500 miles from the scene of operations to defend a Maritime district of country surrounded with a dense population and in comparative quiet, while their own firesides were daily menaced by the Chicamauga Indians, who as you know had declared perpetual war against the whites and could never be induced to make peace. I was far advanced on my road when I received vague information of the surrender of Cornwallis in Virginia and hesitated whether to proceed. But as the men appeared to be willing to serve out a tour of duty which at the time of their entering the service I repeatedly assured them should not exceed 60 days absence from their homes, I proceeded on more leisurely to Green, who observed to me that such a body of horse could not remain in the vicinity of his camp on account of the scarcity of forage and requested me to serve out the tour with Marion, to which I consented, however, with some reluctance as the men would be drawn 70 or 80 miles further from their homes.⁵⁹

Shelby quickly raised upwards of five hundred mounted riflemen; and Sevier with equal despatch raised two hundred mounted riflemen in Washington County. These two bodies, totalling some seven hundred, joined Marion at his camp on the Santee. The hint was given to Marion that “if he would keep them he must keep them busy.”⁶⁰

It was with considerable reluctance that Shelby and Sevier

⁵⁹Shelby's *Autobiography*.

⁶⁰Greene Mss., cited in Greene's *Greene*, iii, 419.

consented to being attached to Marion's command. "Their men were called out upon a pressing emergency which no longer existed. They had been, moreover, enrolled only sixty days. Much of that time had already expired, and the contemplated service under Marion would take them still further from their distant homes. Besides Shelby was a member of the General Assembly of North Carolina, from Sullivan County, and its session at Salem took place early in December."⁶¹

Almost at once they were engaged in very active service. The account of the ensuing events is contained in Shelby's *Autobiography*, here reproduced as written:

The enemies main Southern army, it was said, lay at that time near a place called Fergusson's Swamp on the great road bearing directly to Charleston. Gen'l Marion received information several weeks after our arrival at his camp that several hundred Hessians at a British Post near Monk's Corner, eight or ten miles below the enemies main army were in a state of mutiny, and would surrender the post to any considerable American force that might appear before it; and consulted his principal officers on the propriety of surprising it, which was soon determined on, and Shelby and Sevier solicited a command in it. Marion accordingly moved down eight or ten miles, and crossed over to the South side of the Santee River, from whence he made a detachment of five or six hundred men to surprise the post, the command of which was given to Colonel Mayhem. The detachment consisted of Shelby's mounted riflemen with Mayhem's Dragoons, about one hundred and eighty, and about twenty or thirty lowland mounted militia, the command of the whole was given to Colonel Mayhem. They took up their march early in the morning, and traveled fast through the woods until late in the evening of the second day, when they struck the great road leading to Charleston, about two miles below the enemy's post, which they intended to surprise. They lay upon their arms all night across the road with a design to intercept the Hessians in case the enemy had got notice of our approach and had ordered them down to Charleston before morning. In the course of the night which was as dark as pitch an orderly Sergeant rode into the line amongst us, and was taken prisoner. No material papers were found upon him before he made his escape except a pocket book which contained the strength of the enemy's main army and their number then on the sick list, which was very great.

⁶¹Ramsey: *Annals of Tennessee*, 254.

As soon as daylight appeared, we advanced to the British Post, and arrived there before sunrise. Col. Mayhem sent in one of his confidential officers with peremptory demand for a surrender of the garrison, who in a few minutes returned and reported that the officer commanding was determined to defend the post to the last extremity. Col. Shelby then proposed that he would go in himself and make another effort to obtain a surrender, which Mayhem readily consented to. Upon his approach he discovered a gap in the Abbacies, through which he rode up close to the building, when an officer opened one leaf of a long folding door. Col. Shelby addressed him in these words, "Will you be so mad as to suffer us to storm your works, if you do rest assured that every soul of you will be put to the sword, for there was several hundred men at hand that would soon be in with their tomahawks upon them"; he then inquired if they had any artillery. Shelby replied, "that they had guns that would blow them to pieces in a minute." Upon which the officer replied, "I suppose I must give up." Mayhem seeing the door thrown wide open, and Shelby ascend the high steps to the door, immediately advanced with his dragoons, and formed on the right. It was not until this moment we discovered another strong British Fort that stood five or six hundred yards to the East, and this is the first knowledge we had of that post, the garrison of which immediately marched out, about one hundred infantry and forty or fifty cavalry came around the North Angle of the fort all apparently with a design to attack us; they however soon halted as we stood firm and prepared to meet them. We took a hundred and fifty prisoners, all of them able to have fought from the windows of the house, or from behind Abbacies. Ninety of them were able to stand a march to Marion's camp that day which was near sixty miles; and we paroled the remainder most of whom appeared to have been sick, and unable to stand so hard a march. Information soon reached Marion's camp that the post had been burnt down immediately on our leaving it; but it was always the opinion of Col. Shelby that the enemy had abandoned it, and burnt it themselves, for Mayhem and Shelby were the two last men that left the place, and at that time there was not the least sign of fire or smoke about it. This it is most probable they would do, as they had previously destroyed, and burned down almost every building in that part of the country. This post was an immense brick building, calculated to hold a thousand men, and said to have been built by Sir John Gollitin a century before that period as well for defense as comfort; and was well enclosed by a strong abbacies. In it were found, besides the prisoners three or four hundred stand of arms, and as many new blankets. The American detachment left this post between nine and ten o'clock of the same day, and arrived at Marion's camp the night following at three o'clock. Gen. Stewart who commanded the Enemy's main army, eight or ten miles above made great

efforts to intercept us on our return. And it was announced to Marion before sunrise next morning that the whole British army was in the old field about three miles off at the outer end of the causeway that led into his camp. Shelby was immediately ordered out with the mountain men to meet him at the edge of the swamp, 'to attack the enemy if he attempted to advance and retreat at his own discretion, to where Marion would have his whole force drawn up to sustain him at an old field. Shortly after his arrival at the edge of the open plain, he observed two British officers ride up to a house equidistant between the lines, after they retired he rode to the house to know what inquiries they had made; a man told him that they had asked him when the Americans detachment had got in, what was their force, and of what troops it was composed; he replied that the detachment had come in just before day, that he had supposed as they went out they were six or eight hundred strong; and were composed chiefly of Shelby's and Sevier's mounted men, with Mayhem's Dragoons. The enemy then being in the edge of the woods, silently withdrew out of sight, and retreated back in the utmost disorder and confusion. A small party sent out to reconnoiter the enemy, reported that many of them had thrown away their knapsacks, guns and canteens. A few days afterwards Gen'l. Marion received intelligence that the British commander had retreated with his whole force to Charleston. Marion's sole design in moving from the camp when the mountain men first joined him, and crossing the Santee River below, was to get within striking distance of the before mentioned post, to make the said detachment, and be able to protect and support them on their retreat if hard pushed by the enemy. After this the enemy kept so within their lines that little or no blood was spilt, and all active movements appearing to be at an end, Shelby made application to Gen'l Marion for leave of absence to go to the Assembly of North Carolina, of which he was a member, and which was to meet about that time at Salem, and where he had private business of his own of the first importance. The mountain men had then but a day or two to stay, to complete their tour of duty, of sixty days, and he verily believes that they did serve it out, as he never heard to the contrary.⁶²

⁶²In a conversation with C. S. Todd, May 16, 1826, Shelby said concerning the affair at Monk's Corner:

"When we arrived on parade with the detachment against the British post near Monk's Corner, I did not know who was to command but I expected I was—as I had been informed that Marion was only a Lt.-Col. When I understood the command had been assigned to Marion I made objections and refused to march, as I was the superior officer. The detachment stood still until Marion himself came from a distance of one-half mile who entreated me in the most friendly language to yield to the arrangement he had made. That Marion was well acquainted with the country through which we were to pass and with the immediate neighborhood of the post we were to attack. I submitted to his request because I was to stay but a short time in camp and I thought Marion to be much of a gentleman and so he treated me. Indeed, throughout the expedition he gave me no orders but consulted me on all occasions. These mountaineers were poor men who lived by keeping stock in the range beyond the mountains, they were volunteers and neither expected nor received any compensation

XII

On November 25, having virtually filled out their term of enlistment, the mountaineers set off homeward in a deep snow. About November 28th, Shelby applied to Marion for leave of absence to attend the session of the Assembly of North Carolina, which was to meet at the Moravian Town (Salem). Shelby had been elected a member of the legislature from Sullivan County and was charged with a "Memorial to be laid before that body in relation to a subject of deep importance." According to Shelby's own statement, General Marion "readily granted my request and addressed a letter by me to General Green which I was permitted to see directed to him at the High Hills of Santee where he expected General Green was still encamped. In this letter I have a distinct recollection that he spoke in the highest terms of the conduct of the mountaineers and gave me my full share of the credit for the capture of the British Post."⁶³

Shelby attended the North Carolina Assembly at Salem in December, 1781, which adjourned without action. On returning to Holston, as stated by Draper, Shelby "was engaged during the spring in preparing for an expedition against the Chickamauga band of Cherokees, and the hostile Creeks at the sources of the Mobile, in which enterprise he was to have been joined by two hundred men from Washington County, Virginia; but on account of the poverty of that State, the authorities discouraged the scheme, and reaching Big Creek, thirty miles below Long Island of Holston, the expedition was relinquished."⁶⁴ Having again been elected a member of the North Carolina Assembly, Shelby attended the session at

⁶³Shelby's statements effectually dispose of Judge Johnson's malicious charges (*Greene*, ii, 258ff), repeated by G. W. Greene (*Greene*, iii, 419). The whole matter has been thoroughly traversed by Ramsey in his *Annals of Tennessee* (1853 edn.) 253-261ff.

⁶⁴In this connection, cf. *N. C. State Records*, xvi, 696-7-8, for plans for the expedition.

except liquidated certificates worth 2*s.* in the pound. Gen. Greene had no right nor ought to have expected to command their services. For myself for the whole services of 1780 and 1781 both in camp and in the assembly I received a liquidation certificate which my agent in that county after my removal to Kentucky sold for six yards of Middling Broadcloth and I gave one coat of it to the person who brought it out to me—indeed I was proud of receiving that."

Hillsborough in April, 1782.⁶⁵ At this session he took an active part in the proceedings, and was engaged busily on important committees. At this session was passed the liberal "Act for the relief of the Officers and Soldiers in the Continental line, etc.," rewarding the revolutionary soldiers for their patriotic services—to every soldier who should continue in the ranks until the end of the war 640 acres of land; to every officer a larger quantity according to his rank, a colonel receiving 7,200 and a brigadier 12,000 acres; and to General Greene 25,000 acres. Section VIII of this act reads as follows:

*And be it further enacted, That Absalom Tatom, Isaac Shelby, and Anthony Bledsoe, Esquires, or any two of them, are appointed commissioners in behalf of the State, to examine and superintend the laying off the land in one or more tracts allotted to the officers and soldiers, and they shall be accompanied by one or more agents, whom the officers may appoint, to assist in the business; and in case any commissioner so appointed shall die, or refuse to act his Excellency the Governor shall fill up the vacancy.*⁶⁶

Full instructions were given the commissioners by Governor Alexander Martin,⁶⁷ and, accompanied by a guard of one hundred men, they arrived at Nashborough and the Cumberland in January, 1783. Under the provisions of the act above, the commissioners were instructed to settle the pre-emption claims of those who had settled on the Cumberland River prior to June 1, 1780. Under conditions of grave danger from the Indians, who killed various members of the Cumberland settlements, including one of their own party, the commissioners satisfactorily concluded their task in the early spring of 1783.⁶⁸ Their visit marks the beginning of prosperity and moderate security from the Indians, for the exposed settlements along the Cumberland.

⁶⁵Cf. *N. C. State Records*, xvi, 68, 101, 109, 128, *passim*. For a long and laborious, yet imperfect sketch of Isaac Shelby, compare *National Portrait Gallery*, i (1834). This sketch, by his son-in-law, Charles Stewart Todd, once Minister to Russia, is reproduced, with a number of alterations, in G. W. Griffin's *Memoir of Col. Chas. S. Todd* (1873), 157-174.

⁶⁶*State Records of N. C.*, xxiv, 421.

⁶⁷*N. C. State Records*, xvi, 713; Martin to the Commissioners.

⁶⁸Putnam: *History of Middle Tennessee*, 162-3, 172, 177, contains a description of the work of the commissioners.

On January 13, 1783, Isaac Shelby, Joseph Martin, and John Donelson were appointed commissioners on behalf of the State of Virginia to treat with the Cherokees, Creeks and Chickasaws for peace. Shelby did not attend the treaties subsequently held with the Chickamaugas at the Long Island of Holston on July 9, 1783; and with the Chickasaws at the French Lick on November 5 and 6, 1783.⁶⁹

In fact, more important business now occupied his attention; for in April he was married to the young woman whom he had long loved—Susanna Hart. She was the daughter of Colonel Nathaniel Hart of North Carolina, a prominent member of the Transylvania Company. Isaac Shelby courted his sweetheart at the famous fort of Boonesborough, in the neighborhood of which her father had been slain by the Indians the preceding year.⁷⁰ No doubt he wore at the time that memorable "suit of middling broadcloth," which was his recompense for his service to his country in the King's Mountain campaign. In the union of the names of Hart and Shelby, and in the associations which cluster about them, may be recognized a living symbol of the greatness of Kentucky for more than a century and a quarter.

The marriage, appropriately solemnized as the Revolution came to a triumphant close, marks the end of the era. Of Shelby's future career—as first Governor of the Commonwealth, general, eminent citizen—a new study must be projected.⁷¹ A fitting summary of the virtues of this distinguished American, whose honored name is forever linked with the history of North Carolina, Virginia, Tennessee, and Kentucky, and the nation, is contained in these words of Governor James T. Morehead, in his address at Boonesborough (May 25, 1840):

"Great men," said Mr. Burke, "are the guide posts and landmarks in the State." The life of Isaac Shelby is a signal example of un-

⁶⁹Weeks: *Joseph Martin*, 435-6.

⁷⁰Cf. Mrs. Ellet's *Pioneer Women of the West*, 19-22, in sketch of Mary Bledsoe; Address of George Blackburn Kinkead, delivered at Boonsborough Fort, Oct. 5, 1907; Taylor's *Historic Sullivan*, 36-7.

⁷¹In this connection compare the address of Mrs. Mary Shelby Wilson at the unveiling and presentation to Memorial Continental Hall of the marble bust of Isaac Shelby, April 19, 1811.

blemished personal integrity and enlarged public usefulness, which may be safely imitated by all those who aspire to become benefactors of their country. Starting into active life without the aid of fortune or education, he pursued the gradations of military rank from the lieutenancy of a militia company to the command of a regiment—he rose from the humble station of a surveyor among the pioneers to the governorship of a great Commonwealth—and was distinguished in all the posts to which he was called. His mind like his body was strong and vigorous: boldness, energy, decision, were its leading characteristics. Capable of thinking for himself, he investigated every important subject that came within the range of his private or public duties, with candor and deliberation; and having formed his opinions, he followed them with unshaken firmness. He spoke and wrote as he thought—with great force and vigor— always expressing his opinions with manly frankness, and a lofty disdain of personal consequences. His manners—derived from the school in which he was brought up—were plain and simple, and commanded, without any affectation of dignity, the universal deference of his associates. He was sincere but not profuse in his professions of attachment—faithful and steadfast to his friends when those attachments were once formed. Elevating himself in the discharge of his official duties above the influence of private considerations, he sought and rewarded merit for his country's sake. If such was his character as a public man, he maintained all the relations of life with equal credit and success.

APPENDIX

The present research, dealing with the career of Isaac Shelby down to the close of the Revolution, is a fragment of a larger study, a detailed biography. In the preparation of these two papers, I have been materially assisted by my friend, Judge Samuel M. Wilson, of Lexington, Kentucky. He has placed at my disposal original and unpublished material, as well as interesting contributions to the history of Kentucky and the West which have remained hidden in inaccessible publications. I am also indebted to Mr. William R. Shelby of Grand Rapids, Michigan, and to Colonel Samuel King of Bristol, Tennessee-Virginia, for transcripts of valuable documents throwing light upon Shelby's career.

There are a few statements to be made here, which are the results of more intensive study and purport either to correct or to modify statements already made.

In regard to the parents of General Evan Shelby, to wit: Evan Shelby, Sr., and Catherine Davies, it is certain that they were natives of Wales, with a large percentage of Welsh blood. Evan and Davies are characteristic Welsh names. Those best informed in regard to the family's early history, however, believe that the name was originally Selby, and that the Shelbys were of English extraction.

The records at Upper Marlboro, the county seat of Prince George's County, Maryland, reveal many transactions in which the Shelbys figure as residents of said county prior to the creation of Frederick County (not carved out of Prince George's County until 1748). It is probable that the immigrant ancestors of the Shelby family settled in Maryland nearer 1730 than 1735. Ultimately, by the formation of Washington County, the residence of Evan Shelby, near the North Mountain, was found to be in Washington County. (See Part I, 109-110.)

The earliest surveys and grants to Evan Shelby, Senior and Junior, make it reasonably certain that the Shelbys resided continuously in Maryland from 1739 or earlier to 1771 or 1772. In particular, see Scharf's *History of Western Maryland*, ii, 982-6. (See Part I, 112-3.)

Isaac Shelby's mother was Letitia Cox (correctly given in Part I, p. 114, inadvertently given as "Scott" on p. 113). There is strong documentary evidence that she was born, not in Frederick Town, but somewhere in Prince George's County, Maryland. She was married to Evan Shelby probably in August, 1744.

Isaac Shelby was not the eldest son of Evan Shelby, being the second son and third child. Susannah Shelby, born about 1746, was the first born child and John Shelby, born about 1748, was the second child and eldest son. Evan Shelby brought to Virginia five

sons: John, Isaac, Evan, Moses and James. A younger daughter, Catherine, was married to Captain James Thompson. (Part I, 113.)

Within recent years the remains of General Evan Shelby have been removed from his original grave and re-interred in East View Cemetery, Bristol. (Part I, 114.)

In Part I, 133, twelfth line from bottom should read (in part):
“ . . . it was *not* supposed . . . ”

In Part I, 134, the last two lines should read: “opened at St. Asaph’s on October 13, 1779; and again at St. Asaph’s, on April 26, 1780, after various sessions at Harrodsburg and elsewhere, the court announced that its.”

In Part I, 135, line 11, “1778” is a misprint for “1776.”

There is good reason to believe that the “Captain I. Shelby” referred to in Clark’s *Memoir*, is not Isaac, but James Shelby. The “J” was misread “I.” At this time, Isaac Shelby was a Major, under commission from Governor Jefferson of Virginia. It is uncertain whether this James Shelby was a brother or a cousin of Isaac Shelby. (Part I, 136.)

In Part I, 141, foot-note 49, line 2, “eighty-three” is a misprint for “sixty-three.”

NEGRO SOLDIERS

BY CHIEF JUSTICE WALTER CLARK

In view of the enlistment of negroes as soldiers in the present war, it may be of interest to note the part that they have taken as soldiers in our previous wars.

In the Revolutionary War there was no small number of negroes who served as soldiers. These were mostly free negroes, but no small part of them were slaves, who served, usually, but not always, as substitutes for their owners under promise of freedom at the end of the war. This promise was usually kept, but not always. An act of the Virginia Legislature passed in 1783, recites that every slave who had enlisted upon the faith of a promise of freedom from his master should be declared free accordingly, and directed the Attorney-General of that State to institute proceedings in all cases where the promise had not been complied with, and that the court on proof, should enter a decree of emancipation. It is greatly to the credit of that State that such act should have been passed.

In North Carolina it does not appear that such act was necessary, however, as the only statute is one enfranchising a certain negro, Ned Griffin, of Edgecombe, whose master, William Kitchen, had promised him his liberty on condition of service in the Continental line of this State for twelve months, which he had done, and the act declared him a free man. Laws 1784, ch. 70. Laws 1779, ch. 12, validated the freedom of all slaves who had served in the army under the promise of being free.

These negroes, whether freemen, or slaves, enlisting under a promise of freedom, did not serve in separate organizations, but in the ranks with the white soldiers. This appears in the diary of Hugh McDonald of this State, and also in other memoirs and diaries of those times.

In the first collision between the Americans and the British soldiers in Boston the leader of the popular revolt was Crispus

Attucks, a free negro, who was killed by the soldiers, and whose statue today stands on the Boston Commons.

At the battle of Bunker Hill, Peter Salem, a negro slave who had volunteered on promise of freedom, behaved with conspicuous courage, and it was he who shot Major Pitcairn in reply to a summons to surrender. Bancroft says that "In the forces under Washington the free negroes had representatives in various companies and regiments, and their names are preserved on the pension list of the nation." At that time slavery existed in all the Colonies and, the draft laws covering only "free persons," no slaves were drawn except those who went on promise of freedom or as substitutes for their masters. These served usually in the ranks with the other soldiers, but it is recorded that Major Samuel Lawrence of Groton, Mass., raised a command composed entirely of free negroes. The Continental Congress passed an act forbidding the acceptance or retention of such as were "still held in bondage," and thereupon the practice obtained of conferring freedom upon those slaves who served as substitutes for their masters, or voluntarily.

Mr. Rutledge of South Carolina, on one occasion moved Congress that "all negroes be dismissed from the Continental armies." This was overwhelmingly defeated and, when later, Congress issued an order directing that negro soldiers who were slaves should be rejected, General Washington replied that the negroes "are very much dissatisfied at being discarded, and, as it is apprehended that refusal to use them may induce them to seek employment from the enemy, I have taken the liberty to suspend your resolution concerning them." Congress thereupon reconsidered and repealed the resolution.

After the battle of Monmouth Washington's army returns showed 755 colored soldiers present for duty, being about a tenth of the army. In 1778 Rhode Island passed an act enlisting all men of color of the draft age with a provision that those who were slaves should be free from the time of joining. This was followed by Massachusetts and New

York. Sir Henry Clinton, the British Commander-in-Chief, issued a proclamation offering bounties to all negroes who would desert to his standard, which was also done by Cornwallis and Tarleton in the South. Mr. Jefferson wrote that this action had cost Virginia 30,000 able bodied slaves in one year. To meet the British offer, Madison, Generals Greene and Lincoln, and other leading patriots advocated a general recruiting of the Continental forces by offering emancipation to the slaves. This was not, however, generally done, but there was a considerable number of slaves who obtained freedom by serving as substitutes for their owners or their sons in the army.

In the War of 1812 there were a great many colored men who served in the ranks, thruout the country, but there is no available record that at that time any slaves in the South were admitted as substitutes or otherwise on condition of freedom. There were a good many who went over to the enemy on condition of freedom, and two battalions of negroes served at New Orleans under Jackson. In New York two regiments of "freemen of color" were raised to receive the same pay and allowance as whites, and there was a proviso that "any able bodied slave" in that State might enlist "with the written assent of his master and mistress who were to receive his pay," while the negro was to be set free on his honorable discharge. After the battle of New Orleans General Andrew Jackson, in his proclamation, bore emphatic testimony to the part borne by negro troops in that great victory and their bravery and good conduct during their service under him. The British had two regiments of West India negroes in that battle.

During the Civil War 180,000 negroes served in the Union Army. Some of these were from the North, and served either under the draft or as volunteers, but by far the greatest part of them were fugitive slaves who served in northern regiments, either as substitutes, or upon payment of bounties given

by townships and counties in the North to fill up their required quotas under the draft.

The Confederate government was asked by General Lee in the fall of 1864 to conscript slaves as soldiers, offering them freedom, but this was opposed by President Davis and others, and the act did not pass till February, 1865, and only a few companies were raised. We often conscripted free negroes, and sometimes slaves, to build forts and breastworks. Those surrounding Raleigh were thus built.

It is believed that with very rare exceptions the colored Union troops in the Civil War served as separate organizations, as now, tho officered by white men. This was true during our Spanish War in 1898. This State, however, which sent two regiments of white soldiers to that war, sent one regiment of colored troops, officered entirely by colored officers, from its Colonel, James H. Young, down.

In the United States Regular Army, ever since the Civil War, there has been several regiments of colored troops, but these have been officered entirely by white men, as only one colored man has ever graduated at West Point.

In the present war there are probably 200,000 colored troops in the United States Army, most of whom have white officers, tho there are some company officers of color. The British and French have many colored troops, of whom the Senegalese are exceptionally brave. It is related that when some American colored troops landed at a French port they were delighted to see colored troops ashore, and commenced talking to them in English, supposing that all negroes spoke our tongue. They proved, however, to be troops from French Africa.

The conduct of the negro troops has generally been good in peace, as well as in war. There was a painful exception in the emeute at Brownsville, Texas, some years ago, and also in the recent riot in a colored regiment at San Antonio, for which some thirty or forty of the colored soldiers were hanged

by the government for mutiny. It seems that on both occasions whiskey was at the bottom of the trouble.

The history of our wars shows that colored men, when well led by competent officers, have always shown up as brave soldiers. The two instances named of misconduct seem to be exceptions to their general good conduct and orderly behavior in time of peace.

What is said above refers only to colored slaves. Those acquainted with our Colonial history know, however, that there were many Indian slaves in the Colonies, especially in New England, and some of them in North Carolina, and not a few white slaves. The latter were usually sent to this country from Great Britain to serve out a sentence for crime and sometimes for debt. Among these white slaves was the Lieutenant Colonel of a North Carolina regiment, who on his march to Germantown, with his regiment in 1777 was humiliated by being recognized and claimed in Maryland as a slave, he having escaped thence to North Carolina where he had served an honorable career and risen in life. Massachusetts sold most of her Indian slaves in the West Indies, bringing in return cargoes from Guinea of Africans, who they said were better adapted for work. Among those who, after the Pequot War, Massachusetts sold to the West Indies, were the wife and son of King Philip, the former being the daughter of Massasoit, who had been the best friend whom the Colonists of that Province had ever had, and who had rendered the whites notable service.

Probably the most distinguished colored soldier was General Thomas Alexandre Dumas who served under Napoleon, and at one time was commander in chief of the army of the Eastern Pyrenees. He was the son of a West India negro mother, and to his son Alexandre Dumas the elder, the famous novelist, we are indebted for the famous novels "Monte Cristo," the "Three Musketeers," with its famous trio Porthos, Athos, and Aramis, and the greatest of all D'Artagnan,

"The Forty-five Guardsmen," and others. Hannibal and his Carthaginians were not negroes, though from Africa.

The free negroes voted in North Carolina till 1835, and under the Federal Constitution three-fifths of the slave population was taken as a basis in the apportionment for members of Congress. Republican disgust at finding that by emancipation, which made negroes freemen, the basis was changed and twenty new members of Congress had been given to the South, is said to have been a strong motive for passing the XV Amendment.

NORTH CAROLINA'S DEAD

At the unveiling of the monument and statue to the Confederate dead at Morganton, 22 January, 1918, the address was delivered by Chief Justice Clark. The following extract from his speech is of more than passing interest:

As against 2,850,000 men in the Union line, the South, first and last, was able to send to the front about 650,000. Of these North Carolina sent 125,000, or nearly one-fifth of the whole number. Of these, 43,000 of our best and bravest, being one-third, came not home again.

They sleep where the silver Shenandoah sweeps along; some rest on the heights at Gettysburg; some sleep by the sounding sea at Charleston; others at Vicksburg,

“By the great inland river, whence the fleets of iron have fled,
And the green grass quivers above the ranks of the dead”;

on the plains of Chickamauga and where the Georgian pines are bare; around Petersburg, in the swamps of the Chickahominy and where Potomac’s “breezes answering low sooth many a soldier’s endless sleep.”

Across the fields of yesterday they come back to us, as we knew and remember them, in all the splendor of their young manhood. Age has not withered them. Time and trouble have not touched them. The Roman poet said that it was “sweet to die for one’s country.” It was glorious for them to pass in the prime of their powers, with the sunlight of victory on their faces and fronting the morning. They died in the full assurance and confident hope of our ultimate success. They saw not the torn and tattered battle flags furled forever at Appomattox. The bugle did not ring out for them, as for you, the final call to stack arms. No drums beat for them the retreat. Their ears caught only the sound of the reveille. They live in immortal youth.

OTHER NORTH CAROLINA HEROINES

BY MARY HILLIARD HINTON

During these exciting and troublous times of the world's existence when woman is constantly engaged in the service of her country, helping in ways heretofore unknown, giving freely of her time in unstinted service and keeping her purse ever open, it will be interesting, perhaps, to look backward thru the pages of history and gather notes of the spirit of patriotism and heroism of our brave and loyal women patriots, whose deeds have been recorded, and whose sufferings show what our foremothers endured, that they may inspire us to bear nobly whatever trials may be in store. While they were subjected to innumerable privations their lot seems incomparable with the barbarities imposed by "the fiery Hun" upon the weaker population of grief-stricken Belgium and the devastated regions of Northern France and Poland. It was with the British and Tories we were waging a civilized war, not barbarians whose hearts hesitate at no cruelties. That struggle for independence fortunately took place one hundred and forty-eight years ago, during which period the United States of America have developed into one of the leading world powers, whereby she is now able to express to her splendid ally—France—the gratitude of an appreciative people and to render to her mother country the duty of a worthy offspring.

North Carolina's record of her heroic women is indeed meager, and many of her heroines are known by name only with sparse local tradition as proof their bravery. Of quite a number just one brave incident can be cited, which can be accepted as indicative of their conduct during the Revolutionary War. Among the latter can be found the names of Mrs. Elizabeth Forbis, Mrs. Mary Morgan, Mrs. Rachel Denny, Mrs. Sarah Logan, Mrs. Elizabeth McGraw, Miss Ann Fergus, Mrs. Margaret Caruthers and Miss Margaret McBride.

Caruthers, in *The Old North State in 1776*, has preserved their records from oblivion, but since that rare volume has long since been out of print and few copies are to be found, to give these noble women further recognition, this brief sketch is presented thru the columns of THE BOOKLET.

Among the staunch and brave patriots who were mortally wounded at the Battle of Guilford Court House was Colonel Arthur Forbis. In that same engagement, under his command, was his brother-in-law, Thomas Wiley, also a brave, unwavering Whig, who was wounded. Possessing similar loyalty to the patriotic cause, Elizabeth Forbis, née Wiley, wife of Colonel Forbis, bore with fortitude and patience her severe and continued trials and sufferings. Coming from such stock, it is no marvel that she displayed unusual traits of character, of which the following is illustrative.

Several days after the Battle of Guilford Court House Thomas Morgan, who lived a mile and a half west of the Forbis home, found wandering on his premises two horses whose "bobbed tails" showed that they were the property of the British and Tories, since the horses of the American cavalry were distinguished from that of the enemy by having long tails. These he felt he had a right to appropriate, for the British and Tories had seized all available property of the Whigs.

Mr. Morgan, knowing that Mrs. Forbis was now in dire need of a horse and in a destitute condition, presented her with one the morning following. Colonel Forbis was either dead or dying of his wounds; the Tories had cleared the plantation of almost all cattle, provisions, grain, etc.; her eldest boy was a mere lad of thirteen or fourteen years and could only plough a gentle animal, her sole means of making a crop. This gift she accepted thankfully and immediately put her son to the plough handle. However, on the next day as he was turning furrows in a corn field and the mother was dropping corn after the plough and covering it with a hoe, two

young men appeared on the scene and demanded the return of the horse then in the plough, one claiming it was his own. Mrs. Forbis did not dream the men were from the British Army, then thirty or forty miles south of that locality on the way to Wilmington. With this demand she flatly refused to comply. It was repeated two or three times, she still refusing to obey, when he ordered the lad to take the horse from the plough. She forbade her son to do so, he standing resolute, looking from her to the enemy, respecting the one and fearing the other, but obeying the mother. Thereupon the man stepped forward to unfasten the traces himself, and instantly she sprang in front of him, with a hoe raised high above her head, and with a firm expression and determined manner, declared that if he touched the horse "she would split his head with the hoe." This act produced the desired effect—the horse remained in her plough and was never molested again.

Mrs. Forbis lived to enjoy the independence of her country many years, attaining an honorable old age, noted for her cheerful disposition and as a warm-hearted Christian character.

Of Colonel Forbis' sister and near neighbor, Mrs. Mary Morgan, wife of Thomas Morgan, this daring feat is related:

At the time the British Army was encamped on the south side of South Buffalo Creek, the same side on which Thomas Morgan lived, on the plantation of Ralph Gorrell, Esq., and from this camp one day a party sallied forth bent on plunder, taking in Colonel Paisley's plantation and later the Morgan home, in the absence of the owner, only Mrs. Morgan and her little brood being present. As the place had frequently experienced visitations of marauding soldiers but little could be found. Still they ransacked the dwelling from cellar to garret, as well as the kitchen and smoke-house, corn-crib and barn, leaving naught in their wake. In the interval Mrs. Morgan's active mind was at work and the thought occurred to her to retaliate by removing the valise from the saddle of

the commanding officer and dropping it in an inside corner of the fence among the tall weeds, a few panels below the horse from which it was taken. As they prepared to leave the sun had nearly reached the horizon, and five or six miles lay between them and their camp, there was considerable hurry and confusion which caused the officer in command to overlook the loss of his valise. On opening it, Mrs. Morgan found it to be filled with fine linen shirts, collars, cravats, and other articles which in value far exceeded that which she had lost.

The true Irish wit displayed by Mrs. Rachel Denny has amused many a listener. She was the wife of Walter Denny, a strict elderly Scotch-Irish Presbyterian, who dwelt far down on North Buffalo Creek, as staunch in his Whig principles as true to his religious faith and highly esteemed throughout the neighborhood. During his absence from home when the British Army was near by, a foraging party under command of the proper officer invaded his home, pillaging every repository of his possession. During this trying ordeal the old lady, his wife, sat by utterly helpless in the presence of the commanding officer, who sat near amusing himself with her. Thus she saw flour, meat and meal as well as blankets she had made with her own hands seized by ruthless hands. The officer began by asking her where her husband was, to which she replied she did not know. If she did know would she tell, was the next question. Kindly she said "No, and no gentleman of honorable feelings would ever ask or expect such a thing." When asked if she was not afraid that he would be caught and hung as a rebel, she replied, "as he was engaged in a good cause, he was in good hands, and she hoped he would be protected." After cursing her most profanely he informed her he thought "the women in that part of the country as damned rebels as the men, and that one-half of them, at least, ought to be shot or hung." To all this she did not reply.

Spying a Bible and a hymn-book on the table, he exclaimed

that he presumed "the old man prayed every day in his family." To this Mrs. Denny added that when at home they usually had family prayers. "Well, does he ever pray for King George?" followed in a sneering, haughty air. She gave an indirect answer. He then told her emphatically she must tell him "He *must* pray for King George." Very indifferently she replied that perhaps a good man might pray for the salvation of his soul, "not for the success of his arms; for he had sinned so long and so much that there was very little encouragement to pray even for his *salvation*, and to pray for the success of his arms when they were employed to oppress and to enforce obedience to unrighteous authority, would be praying in direct opposition to the instructions of the Bible, which would be offensive to God as it would be useless to man." Whereupon the officer told her that her husband must pray for the king or be treated as a rebel. "Ah, indeed," said Mrs. Denny, "he has been denounced as a rebel long ago, and no thanks to you nor King George either that he still lives to defend his country." "Well," he replied, "do you tell him that he must pray for King George tonight, for I intend to come or send men to ascertain, and if he does not, I will have him taken and hung up to the limb of that oak tree in the yard." "Aye, fa'th," retorted the brave old dame, with consummate nonchalance, "Aye, fa'th, an' monny a prayer has been wasted upon King George."

The young Lieutenant, baffled, summoned his men as the sun was fast sinking in the west and quickly galloped back to camp, taking with them considerable plunder, but by no means all of Mr. Denny's abundance.

During the stormy days of the Revolution the women were just as willing as the men to suffer and share privations with them. The country being thinly settled, they were much isolated and had to face innumerable perils. Frequently the quick wit and ready, proper word of some intelligent woman achieved a decided triumph. To this class could be assigned Mrs. Sarah Logan, noted for her repartee, excellent sense and

kindness of heart, and who was universally esteemed. She was a native of North Carolina, though after her marriage she lived in South Carolina, near the dividing line. Many incidents occurred that testified to her patriotism, judgment, character and ready wit. This one related here in particular is illustrative of her varied experiences.

One morning in November when the air was cold and frosty four or five Tories swooped down upon her home in the absence of her husband. They were known to her by sight and name, though they were not of her class. She spied them as soon as they entered the lane and at once guessed their purpose. She instantly resolved to devise some scheme by which to safeguard her property against their pillage.

They rode up and hitched their horses to the fence within a few feet of the house and entered without ceremony. Mrs. Logan feigned a cordial welcome and invited them to be seated, adding that such cold weather, after a long ride, they must be cold and insisted on their sitting nearer the fire, on which she had more wood piled. She inquired of the health of their families, of the neighborhood; in fact, received these avowed enemies bent on pillage as graciously as though they were friends. She apologized for the upturned state of her house, claiming that her duties of housecleaning had been neglected for a sick child and was just so engaged as they approached, that if they would excuse her giving annoyance she would proceed and finish in two or three minutes. She swept vigorously, raising a cloud of dust. She next began making up the bed, beating the feathers and seizing sheets and bedspread and blankets, taking each at a time, she stood on the door-step and shook them violently, making a great noise and flutter as each spread out on the breeze. The horses became alarmed, one broke loose, then another, until all severed their bridles and galloped in every direction. The Tories, realizing that their steeds were more valuable than any plunder to be procured at the Logans', took to their heels in hot pursuit, catching, as they bolted, Mrs. Logan's regrets—

“very sorry”—“what a pity.” Thus kindness proved of more service than the sword or a sharp retort.

There lived in Surry County, near Mount Airy, during the “Old War” (as the old people termed the Revolution) Mrs Eliabeth McGraw. She was prior to her marriage to Jacob McGraw a Miss Waller, daughter of George Waller of Henry County, Virginia. Both she and her husband were staunch Whigs; therefore their home was naturally an objective point with the bands of Tories scouring that section. Still an account of one raid is handed down in that locality. It occurred on a bitterly cold night when Jacob McGraw was away from home and his wife was the sole white person on the place. When she ascertained they were approaching she made all the negroes who could leave run and seek some hiding place, and in the meantime she engaged busily in wrapping the pickaninnies in the tow that had been *hackled* from flax that day, dressed and secreted them in a closet, just finishing as the Tories burst into the house. They searched the place from top to bottom, but, strange to say, missed locating the little negroes concealed in the tow. They appropriated all valuables and lastly took from the cupboard Mrs. McGraw’s shining pewter plates. Thru the rims of each they bored holes and ran a hickory withe which they carried along with them. Years after Mrs. McGraw had the peculiar experience of taking dinner at a neighbor’s when the meal was served from her own pewter plates with holes in the rims. She attained a great age, dying near Mount Airy in 1836.

Even amid the horrors of war people can and do relax from their responsibilities and sufferings long enough to engage in diverting festivities, better perhaps for the change. During Major Craig’s occupancy of Wilmington he and his officers attended many balls and other entertainments. Tradition still keeps alive in New Hanover amusing things that took place at these social affairs. One anecdote, though ludicrous, that has not been lost, concerned Miss Ann Fergus, a

lass of a wealthy Scotch family of fine social standing. She possessed a superior intellect, was well educated. Exceedingly tall—five feet ten inches—but when wearing the high heel slippers of that period, as she would have done at a ball, she must have measured fully six feet. One of her brothers was in the Patriot Army, possibly also a lover. One evening she attended a ball at which a number of British officers were present. Among them was an exceedingly diminutive man, full of conceit, who was most persistent in his attentions to the American ladies, being both impertinent and presumptuous, as his conduct to Miss Fergus proved. During the evening he sought her out and asked for a kiss. With all seriousness and perhaps *hauteur* she replied “Yes, he might have one, if he could take one without getting upon a stool.” Whereupon he tiptoed and stretched his neck and she drew herself up to her full height, and he “couldn’t come it.” The whole company present were intensely amused at so ludicrous a spectacle. Ridicule caused his instant flight as well as brought to an end his attentions to American belles.

It is not often that a woman possesses such spirit of daring and bravery that she is willing to attack an enemy of the other sex, assuming the role of aggressor. Of such type was Mrs. Margaret (Gillespie) Caruthers, a native of Lancaster County, Pennsylvania, who settled with her husband, James Caruthers, in middle North Carolina some time prior to the Revolution. Her family included four sons and several daughters, all eventually becoming useful citizens and church members. Three of her sons served in the Revolution. The eldest, Robert, being a partisan leader, won the rank of captain and was very active, being almost always on duty. The youngest, who was retained at home to protect his parents and attend to the farm, met death at the hands of Tories disguised as Indians, as strong circumstantial evidence proved. His dead body was found by a creek on the plantation almost in sight of the house. He had gone to a neighbor’s, two miles distant on an errand. The report of a gun drew his mother

and sisters to the spot to find him dead, scalped with a bloody knife bearing the name of a neighbor, lying near his head. Ever after when the said neighbor met a member of the family his countenance expressed guilt and he manifestly shunned them. Thus deprived of her main support, with her husband, not infirm but passed the draftable age, compelled for safety to conceal himself, she found herself unprotected, especially during the trying year of 1780. Her wonderful self-possession never failed her in time of danger. Her firmness and energy of character, combined with the "spirit of '76," rendered her far from helpless in emergencies.

Not long after the tragedy just recounted, two Tories, neighbors, came to plunder her premises. They at once attempted to steal a fine young black mare, of unusual beauty and splendid qualities, which they brought out and hitched to a shade tree on the west side of the house." After packing up all provisions, blankets, etc., to be found in the house they entered the corn-crib to fill their bags with corn. The quaint form of crib of that day had an opening thru which a man must thrust one leg, next his head "and with his body laid beside the projecting leg force himself thru, with the other leg resting on the floor, and, at the same time, as it was raised a foot or two above the ground, held by the side with the left hand lest when the center of gravity passed the sill, he might go faster and further than he wanted." The thieves were busy over their grain when Mrs. Caruthers hid the black mare in the cellar, locking the door. Then she took a stick of hickory, intended for an axe-handle, laid by to season in the chimney corner, twice the size of a dressed article, which she concealed under her apron and stood at the corner of the crib. As each appeared she beat upon him so successfully that he could neither defend himself nor return the blows, and both fled in haste, leaving their plunder behind and never again did they dare to enter the Caruthers home.

The name of Betsy Dowdy is universally known and her bravery can never be forgotten, while the name of Margaret

McBride is familiar to comparatively few and of the service rendered her country little is known. As her surname implies she was of a Scotch-Irish family. Hanty McBride, a resident of Guilford, was a man of good standing in the neighborhood where he lived and died, some seven or eight miles south of Greensboro, midway between Alamance and Buffalo creeks. He was a member of Dr. Caldwell's congregation, and a true Whig. Too old for military duty, he served his country when possible. His large family was comprised of nearly all daughters. Of one son, Isaiah, the oldest, we learn that he was in several campaigns.

In 1781 Margaret, or Maggie, as her family and neighbors called her, was a pretty lass of thirteen or fourteen summers and well grown for her years. She was full of life, but discreet and had the courage to express her convictions. With winsome ways and abounding enthusiasm, she was naturally a favorite. She gloried in being a Whig and hated the Tories. A certain tract of land four or five miles wide, ten or twelve in length, between North and South Buffalo creeks, lay to the north and northwest of Hantz McBride's. This included the present site of Greensboro and ran along both sides of the Hillsboro road to Buffalo Bridge. This was not inhabited and was traversed only by roads connecting the two settlements. As pine was the principal growth it was called the "Pine Woods," or "Pine Barrens." People did not settle there because the land was considered too thin. It afforded fine pasturage for cattle. At intervals rich and well-watered glades existed like oases of the desert. In the first days of autumn, 1781, a band of Tories from southern Guilford or northern Randolph pitched camp in one of these fairy dells. The Whigs were thick on the outskirts of the "Barrens" and some were wavering. These the Tories in question visited and exerted no good influence over them. The true Patriots became uneasy—something must be done, and accordingly a band bent on retaliation was organized, though none knew the exact location of the camp. It was thought that the

McBrides knew of it if any one did, so to that home they repaired one evening just after dark. Hantz McBride, of course, was absent, the mother, Maggie and other children were there. The captain, after ascertaining they were staunch Whigs, inquired whether there was a Tory camp in the "Piney Woods." She understood there was. When asked for directions to find it, she answered as intelligently and as best she could, little Maggie by her side now then adding a word of explanation. The captain observed her interest and said courteously, "Well, now, my little Miss, could you go along to show us the way?" This startled her. Objections she urged—going off with a party of soldiers, all strangers; then the fighting, etc. The captain insisted. She *reckoned* she might go; they must promise not to fire on the Tories till she left them. They consented, so she mounted behind the commander and they rode off at full speed. It was agreed that she should remain with the band until they came in sight of the place, when she was to fly back home, it being impossible for her to be taken into the battle in the darkness. She was firm in her determination to render this invaluable service to the Whigs, and never faltered when so much was at stake. The spot was familiar to her as she had frequently been there when hunting the cows on summer evenings with the other children.

As they approached the camp near enough for the sound of the horses' feet to be heard, they proceeded with great caution and Margaret McBride was straining her eyes and craning her neck to ascertain the exact spot. Finally she exclaimed, "Yonder they are," and sprang from the captain's horse, returning home with the agility of a native of the forest. As soon as she alighted on the ground the party dashed forward at a gallop, took the camp by surprise, firing a good volley as a greeting on approach. Before the brave little heroine had passed over much ground, she heard the report of twenty or thirty pistols and the clash of sabres, with shouts of victory and cries of the assailed, all of which made

her run but the faster. On reaching home she proudly informed her mother that "those miserable Tories have got a lesson tonight which they will not soon forget, and I hope they will no longer be a pest and a reproach to the country." "Why, my daughter," replied Mrs. McBride, "You didn't stay to see what was done?" "Why, mother, as soon as we came in sight, I jumped down and started back as hard as I could, but I had come a very little distance—it didn't seem to be a minute—till I heard ever so many guns, and then such slashing and hallooing—you never heard the like. I just know the ugly things are used up, and we shall now be clear of them. Well, I do feel sorry for them after all—really sorry. Just think how they will be cut up and run off like as many sheep-killing dogs; but then they had no business to be Tories. If they are so mean and pusillanimous that they want to be slaves or foot-pads to King George, let them not stay here and try to make us as degraded as themselves, but go to his own country and serve him there. We have no use for them here and I am so glad they are gone."

The Tory den was completely broken up. All that were not killed fled, and henceforth the "Pine Barrens" of Guilford knew neither them nor their like again.

When Margaret McBride grew to womanhood a few years later she married and, with her husband, moved westward with the tide of emigration that laid the foundation of some of our great States of today, and nothing was known of this brave heroine of old Guilford.

North Carolina can well be proud of her women from the earliest days when the hardships and perils of life led by the first settlers in the wilderness were patiently borne, during the stormy times of the Revolution, of the War between the States and, lastly, of the response they are giving to the demands of this present-day world conflict.

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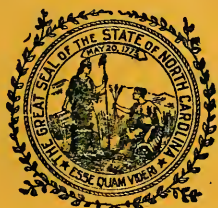
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CONTENTS

History of the Superior and Supreme Courts of North Carolina	79
By CHIEF JUSTICE WALTER CLARK	
William Bryan of Craven County, Brigadier-General in the American Revolution.....	105
By WILLIAM HOLLISTER	
For Whom Was Edgecombe County Named?.....	116
By GASTON LICHTENSTEIN	
Biographical and Geneological Memoranda.....	120
By MRS. E. E. MOFFITT	

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The
NORTH CAROLINA BOOKLET

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

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THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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

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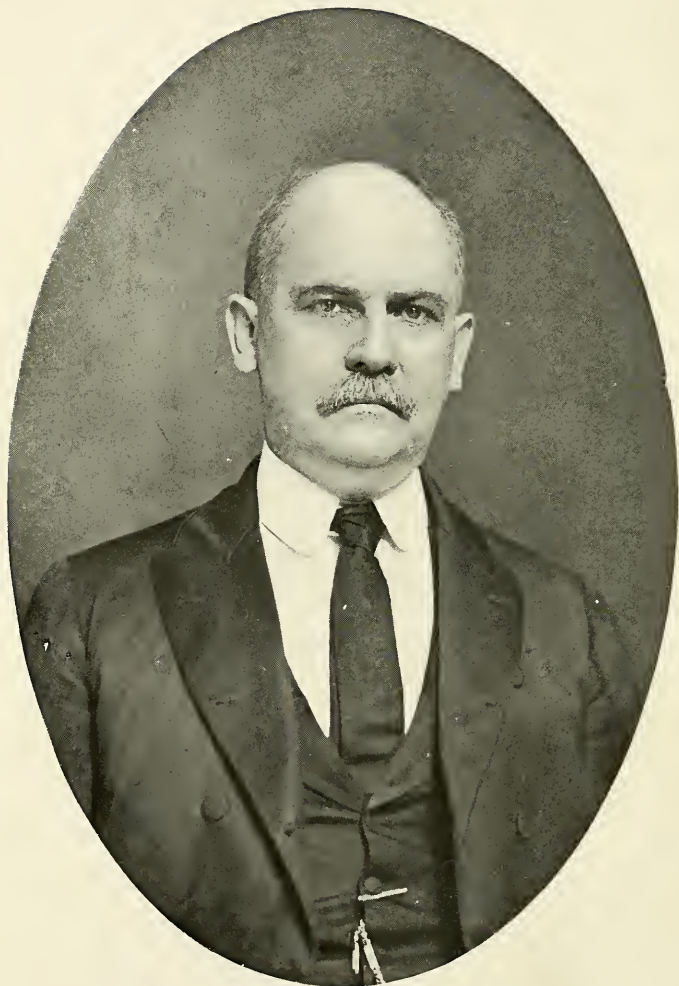
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Sincerely Yours
Walter Clark

Chief Justice Supreme Court of North Carolina.

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History of the Superior and Supreme Courts of North Carolina

BY CHIEF JUSTICE WALTER CLARK

Prior to the adoption of our republican form of government in 1776 we had for the colony a supreme common law and equity court, styled "The General Court," which was a trial court. There was no court of appeals. The presiding officer of this was styled Chief Justice, who presided with an indefinite number of assistants who were laymen. They were probably merely advisers, for there was no statute defining their powers. When the Lords Proprietors met at the Cockpit in London on 21 October, 1669, under the fanciful Constitution drawn up by the famous John Locke, they chose Anthony Ashley Cooper, afterwards the famous Earl of Shaftesbury, as the Lord Chancellor and first Chief Justice of this colony. This was an honorary appointment, and he named as his representative John Willoughby as the first Chief Justice in this colony.

The first record that we have of any general court is that held in 1694, at the house of Thomas White, tho there must have been sessions in the years prior thereto. The Chief Justice at that time was also Governor, Thomas Harvey. This court held jurisdiction of criminal and common law cases, and also as a court of equity. Down to 1868, when the distinction between law and equity was abolished, the same judges held the courts of law and the courts of equity, tho the distinction between the two as separate jurisdictions was kept up.

By the Court Bill of 1746 the seat of government was fixed at New Bern. Following the English system, all writs and processes were issued from that court, but they were return-

able and triable before *nisi prius* terms to be held by the Chief Justice twice a year at three points—at Edenton, in the Northern Circuit; at Wilmington, in the Southern Circuit; and at the courthouse in Edgecombe in the Western Circuit. The supreme and principal court continued to be held twice a year at New Bern, and was styled the General Court. This latter consisted of the Chief Justice and three Associates appointed by the Governor. In 1713 Christopher Gale was Chief Justice. He was born in Yorkshire, England, and was the son of the rector of a church. The late Colonel George Little of Raleigh was his lineal descendant. He was succeeded by Tobias Knight, who was accused (but acquitted) of complicity with the pirate “Blackbeard,” and he by Frederick Jones, of indifferent fame. Gale on his return from England was again appointed. In 1724 Governor Burrington removed him and appointed Thomas Pollock, but the Lords Proprietors reinstated Gale. In 1729 the Lords Proprietors ceded their rights to the crown, and in 1731 Gale was superseded by William Smith, who had been educated at an English University, and had been admitted to the bar in England.

Governor Burrington appointed John Palin to succeed Smith, and then William Little, who was the son-in-law of Gale. On his death Daniel Hamner became Chief Justice, who in turn was replaced by William Smith, who had come back from England. In 1740 John Montgomery became Chief Justice, and was succeeded in 1744 by Edward Moseley, a man of real ability. He died in 1749, and his successors were in turn Enoch Hall, Eleazer Allen, James Hazel, and Peter Henly.

In 1746 an important change was made by the court law of that year. Up to that time the Chief Justice had sat with from two to ten assistants who were simply justices of the peace, and it is not certain even that all the Chief Justices were lawyers. Even down to the present time, tho in fact since 1771, all of the judges of the Superior and Supreme

Court have been lawyers, there has never been, at any time, any provision of the Constitution requiring this. Under the Act of 1746, however, three associates were appointed in lieu of the former lay assistants, and they were required to be "learned in the law."

Charles Berry became Chief Justice in 1760, and committed suicide in 1766. In 1767 the province was divided into five judicial districts—Edenton, New Bern, Wilmington, Halifax, and Hillsboro—in each of which towns a court was held twice each year by the Chief Justice and his Associates. The Chief Justice was Martin Howard, and the Associates were Richard Henderson and Maurice Moore. Judge Henderson was the father of Chief Justice Leonard Henderson, and Judge Moore was the father of Justice Alfred Moore of the United States Supreme Court. Chief Justice Martin Howard, on the outbreak of the Revolution, sided with the Tories and returned to Rhode Island, whence he had come. The Court Act of 1767 expired at the end of five years, and by reason of disagreement between the Governor and the Legislature there were no courts in the province between 1773 and 1777. After August, 1775, till the Judiciary Act, adopted 15 November, 1777, by the new State Government, the judicial functions were discharged by the committees of public safety.

Under the Provincial Government the Chief Justice was a member of the Upper House of the General Assembly, and also aided largely in the executive functions. On the other hand the Governor granted letters of administration, probate of wills, and had other judicial jurisdiction. The Constitution of 1776, on the contrary, made both the executive and judiciary elective by the General Assembly, which was chosen annually. The Constitution of 1868 made the Supreme and Superior Courts constitutional offices and beyond repeal by legislative action. It also made the judges elective by the people for the term of eight years.

By the Judiciary Act of 1777 the State was divided into six districts—Wilmington, New Bern, Edenton, Halifax, Hillsboro, and Salisbury. In 1782 Morganton was added, and in 1787 Fayetteville, making eight in all. In each of these a court was held twice each year by the three judges jointly. The first judges selected were Samuel Spencer of Anson, Samuel Ashe of New Hanover, and James Iredell of Chowan. Iredell, who was later a Justice of the United States Supreme Court, soon resigned, and was succeeded by John Williams of Granville. Judge Ashe was elected Governor in 1795, but Spencer served till his death in 1794, and Williams died in 1799. Judge Spencer's death was singular. In old age he was asleep on a warm day in a chair under the shade of a tree. A turkey gobbler enraged by the red handkerchief which the judge had placed over his face to keep off the flies, assaulted him, causing his death.

In 1790 Halifax, Edenton, New Bern, and Wilmington districts were constituted the Eastern Riding, and Morganton, Salisbury, Fayetteville, and Hillsboro the Western. The number of judges was increased to four, by the election of Judge Spruce McKay, and two judges were assigned to hold the courts, jointly, in each riding.

The Constitution of 1776 provided that the General Assembly should by joint ballot appoint judges of the Supreme Court who should hold during good behavior. The General Assembly seemed to consider that, there being no appellate court, the Superior Court filled this requirement, for there was no appellate court until one was created in 1799, consisting of all the Superior Court Judges, to continue for one year, the object being to try James Glasgow, Secretary of State, and others for fraud in the issuance of land scrip in Tennessee issued to Revolutionary soldiers. At the expiration of one year the act was continued in force by chapter 12, Laws 1801, which provided, among other things, section 3: "No attorney should be allowed to speak or admitted as counsel in the aforesaid court." This was a repetition of a

similar prejudice against lawyers which found expression in Locke's "Fundamental Constitutions of Carolina," March, 1669, which provided, section 70, that no one could plead for another in any court for money or reward. We have outlived those days tho there is still some prejudice naturally surviving against so necessary and influential a profession as ours.

This court was styled the "Court of Conference." In 1804 the court was required to file written opinions, and in 1805 the title was changed to the "Supreme Court," a tardy recognition of the constitutional provision of 1776, and the sheriff of Wake County was made marshal of the court.

In 1806 the ridings were increased to six by the election of two additional judges, and a Superior Court for the first time was required to be held twice a year in the courts in each county by a single judge. Till 1856 these judges met and themselves allotted the ridings, the only restriction being that no judge should hold the same riding twice in succession. In 1857 this was changed to require the judges to hold every district in the whole State in regular rotation. By the Constitution of 1868 judges of the Superior Court each held only his own district. In 1878 this was changed back to require the Superior Court judges to ride the entire State in rotation. In 1910 the number of districts having been increased to 20, it was felt to be a hardship that a judge should ride his own circuit only one time in twenty, and that it was an anomaly that a judge should be required for nineteen-twentieths of his time to preside over people who had had no hand in his nomination, and the State, as in 1790, was divided into two divisions, the judges to rotate in holding only the districts of their respective divisions. Further changes in that direction are desirable and will doubtless be made.

In 1910 the judges hearing appeals in conference were authorized to elect a Chief Justice, and John Louis Taylor was the first and only judge to fill that position. A seal and motto were directed to be established by the court and the

right of appeal was prescribed. Any two judges of the six, sitting in conference at Raleigh, was a quorum.

In November, 1818, the Supreme Court, contemplated forty-two years before by the Constitution of 1776, was at last created by legislative enactment, the bill being introduced by Hon. William Gaston, afterwards one of the most illustrious members of the court. The salary of the judges was fixed at \$2,500 each, the salary of the Governor at that time being \$1,900, and the salary of the Superior Court judges, previously \$1,650, was raised to \$1,800. The judges of the Superior and Supreme Court were elected by the Legislature and held for life till 1868, when these courts were created in the Constitution, without liability of abolishment by the Legislature as formerly, and the judges were made elective by the people for the term of eight years.

The Supreme Court, created in 1818, began its existence 1 January, 1819. Its first session was held 5 January, 1819. John Louis Taylor, Leonard Henderson, and John Hall were elected, who chose Taylor for Chief Justice. John Louis Taylor was at that time the oldest judge in commission on the Superior Court bench, having been elected in 1798. He was born in London of Irish parentage, 1 March, 1769. At twelve years of age he was brought to this country by his elder brother, and received his education in part at William and Mary College in Virginia, but left before graduation. He was admitted to the bar in 1788, located in Fayetteville, and was chosen a member of the Legislature from that town, which elected a borough member, for four terms. He removed to New Bern in 1796. He died in Raleigh in January, 1829.

Leonard Henderson was born in that part of Granville County which is now Vance, in 1772. His sister married Spruce McKay, already mentioned, and his niece became the wife of Judge Boyden of the North Carolina Supreme Court. He was elected to the Superior Court in 1808 and resigned

in 1816. Elected to the Supreme Court as above, he became Chief Justice in 1829 and died in August, 1833.

John Hall, the third member of the court, was the senior of the other two, having been born in Augusta County, Virginia, in May, 1767. His father was a native of Ireland. He was a graduate of William and Mary College. He removed to Warrenton, N. C., in 1792, and in 1800 was elected a judge of the Superior Court, and of the Supreme Court as above stated, on its organization. He resigned in December, 1832, and died in January, 1833.

On the death of Chief Justice Taylor, John D. Toomer was appointed by the Governor to the bench, and Judge Henderson was elected by his associates, Chief Justice.

In the meantime Archibald D. Murphey, of the Superior Court, under a provision in the act creating the court, was detailed by the Governor, by special commission, to sit in the cases where any one of the three incumbents was disqualified to sit because of having been counsel in any cause. Judge Murphey was thus assigned by Governor Branch and sat in several cases. His concurrence with Chief Justice Taylor against Judge Hall's dissent sustained the validity of the Moses Griffin will, under which New Bern has ever since possessed the "Griffin School." Judge Murphey has always been very dear to the people of this State. He was the son of Colonel Archibald Murphey, a Revolutionary soldier of Caswell County. He was born in 1777 and graduated at the University of North Carolina with the highest distinction in 1799. From 1812 to 1818 by annual election he was Senator from Orange. He was the originator of the system of internal improvements and common schools in this State. He purposed to write a history of North Carolina. In 1818 he narrowly missed election to the Supreme Court and was chosen to fill one of the vacancies on the Superior Court. His oration before the two literary societies of the University of North Carolina in 1827 was the first of a long series of these and has never been surpassed by any. Under

the common law barbarism of imprisonment for debt, this distinguished man, who reflects so much honor on his State, was for some months in Guilford jail, without any fault on his part. He died in 1832.

John D. Toomer was born in Wilmington, March, 1834; was educated in part at the University of North Carolina, but did not graduate. He was elected judge of the Superior Court in 1818, but soon resigned. On the death of Chief Justice Taylor in 1829 he was appointed by Governor Owen to the Supreme Court till the Legislature met, which chose Thomas Ruffin to succeed him. Judge Toomer was afterwards in the State Senate and a member of the Constitutional Convention of 1835. In 1836 he was again elected judge of the Superior Court, but resigned in 1840.

Thomas Ruffin was born in Virginia in November, 1787. He was the son of a Methodist minister. He was educated at Princeton University. He studied law under Judge Murphey and was admitted to the bar in 1808, locating in Hillsboro. In 1813, 1815, and 1816 he was a member of the House of Commons from the borough of Hillsboro and in the last-named year was Speaker, and was chosen judge of the Superior Court, but resigned after two years service. The first seven volumes of North Carolina Reports down to the creation of the separate Supreme Court, 1 January, 1819, were by volunteer reporters. The act creating the court authorized the court to appoint the reporter. The first of these was Judge Murphey. Later Judge Ruffin was one of the reporters. In the summer of 1825 he was again elected judge of the Superior Court, but resigned after three years service, when in 1828 he was chosen president of the State Bank at Raleigh. In December, 1829, he was chosen by the Legislature to the Supreme Court. On the death of Chief Justice Henderson in 1833 and the appointment of Judge Gaston, he was chosen by his associates Chief Justice, and served for nineteen years, resigning from the court in 1852. In 1858, on the death of his successor, Chief Justice Nash,

he was called by the almost unanimous vote of the General Assembly, tho then in his 72d year, again to the Supreme bench, and took his place as Associate Justice. Eighteen months later he again resigned and died in 1870 in his 83d year. He raised a family of thirteen children. One of his sons, Thomas Ruffin, Jr., became a judge of the Superior and Supreme Courts.

Joseph J. Daniel, born in Halifax County in 1784, was at the State University, but did not graduate. He studied law under General William R. Davie at Halifax. He represented that borough and the county in the General Assembly. He was elected to the Superior Court in 1816 and, after sixteen years of service, on the death of Judge Hall was elected to the Supreme Court. He died in February, 1848. His opinions are notable for brevity and point. He died in 1848.

For eleven years, 1833 to 1844, Ruffin, Daniel and Gaston sat together on the Supreme Court bench, and it has never been surpassed in ability and reputation. Yet that court rendered an erroneous decision, *Hoke v. Henderson*, 15 N. C., 1 (in 1833), which gave infinite trouble till, after seventy years, it was overruled. It held that an office was property. This decision was not followed by any other State and its doctrine was denied by the United States Supreme Court. Still such was the veneration felt for the court that it was cited with approval more than sixty times; but, however, after being questioned in a series of dissenting opinions which called attention to its being opposed to our entire theory of government, it was finally overruled (in 1903) in *Mial v. Ellington*, 134 N. C., page 131. During its existence as authority no case ever caused more inconvenience in the administration of our State Government than this.

William Gaston was born in New Bern in 1778. His father was a native of the North of Ireland, of Huguenot descent, and graduated at the Edinburgh Medical College. Chief Justice John Louis Taylor married Judge Gaston's sister. Gaston served in the State Senate, represented the

borough town of New Bern in the House of Commons, and was speaker of that body. He was a member of Congress from 1812 to 1816. His address before the literary societies at the University of North Carolina in 1832, and at Princeton in 1834, were models of their kind. He was the author of our State hymn, "The Old North State." On the death of Chief Justice Henderson in 1833 Gaston was elected to the Supreme Court. He died suddenly at Raleigh during the session of the court in January, 1844.

On the death of Judge Gaston, Frederick Nash of Orange was elected to succeed him. He was born in New Bern in 1781, when his father, Abner Nash, was Governor, and was a nephew of General Francis Nash, who was killed at Germantown. He graduated at Princeton College with distinction in 1799. In 1808 he removed to Hillsboro and represented that borough town and also the county of Orange in the General Assembly. In 1818 he was elected judge of the Superior Court, but resigned in 1826. He was again elected to the Superior Court in 1835, and upon the death of Judge Gaston in 1844 he was elected to succeed him, being then in his 64th year. On the resignation of Chief Justice Ruffin in 1852, he was elected by his associates, Chief Justice, and died in 1858 in the 78th year of his age.

William H. Battle was born in Edgecombe in October, 1802, the grandson of Elisha Battle, a prominent member of the Baptist church in this State. He was the oldest of six brothers, all of whom were educated at the University. He was appointed Reporter of the Supreme Court in 1839. In 1833 and 1834 he was a member of the House of Commons from Franklin and, together with Governor Iredell and Judge Nash, was a member of the commission which compiled the Revised Statutes. He was promoted to the Superior Court in 1839. In 1843 he removed to Chapel Hill, and in 1845 he was elected by the trustees of the University professor of law and conducted the Law School till 1866. Among his students were three of his successors on the Supreme Bench—

Davis, Shepherd, and Clark. In May, 1848, on the death of Judge Daniel, he was appointed by Governor William A. Graham to fill the vacancy till the Legislature met, which elected Richmond M. Pearson and chose Judge Battle to the vacancy created on the Superior Court bench. In 1852, upon the resignation of Chief Justice Ruffin, Judge Nash became Chief Justice, and Judge Battle was elected to the Supreme Court bench by an almost unanimous vote, irrespective of party. He filled the position till 1865 when all the State offices were declared vacant. He was then again elected to the Supreme Court and filled the post until all positions were vacated by the new Constitution in 1868, when he returned to the practice of the law. In 1876 he was chosen president of the Raleigh National Bank. In 1877 his son, Kemp P. Battle, having been elected President of the University, Judge Battle returned to Chapel Hill as Dean of the Law School. He published a Digest of the North Carolina Reports in four volumes, and edited the compilation of laws known as Battle's Revisal. He died in March, 1879, in the 77th year of his age.

Richmond M. Pearson was born in June, 1805, in Rowan; graduated at the University in 1823. He studied law under Chief Justice Henderson, and was licensed in 1826. For four years he represented Rowan in the House of Commons, and in 1835 was defeated for Congress. In 1836 he was elected to the Superior Court, to the Supreme Court in December, 1848, and became Chief Justice in 1858, and was reëlected Chief Justice by the people in 1868. His judicial career covered forty-one years of unbroken service—twelve years on the Superior Court bench and twenty-nine on the Supreme Court, nineteen of them as Chief Justice. As Chief Justice he presided at the impeachment of Governor Holden in 1871. In January, 1878, on his way to Raleigh to open the spring term of court, while crossing the Yadkin River in a buggy, he was stricken with paralysis and died at Winston, 5 January, 1878, in the 73d year of his age.

Matthias E. Manly was the last of the judges who ascended the bench in *antebellum days*. He was born in Chatham in 1800; graduated at the University of North Carolina in 1824; studied law under his brother, Governor Manly, and located in New Bern. He was a member of the House of Commons from that borough in 1834-1835, being the last borough representative. The six towns which enjoyed that privilege were Halifax, New Bern, Wilmington, Hillsboro, Fayetteville, and Salisbury. It was abolished by the Convention of 1835. Judge Manly was elected judge of the Superior Court in 1840, and, after faithful service of nineteen years, he was chosen to the Supreme Court, in December, 1859, to fill the vacancy caused by the second retirement of Judge Ruffin. His office was declared vacant in 1865 and Judge E. G. Reade was elected to succeed him. He was Speaker of the State Senate in 1866, and was elected by that Legislature to the United States Senate, jointly with Governor Graham, but they were not allowed to take their seats. He died in New Bern in 1881 in the 82d year of his age. His first wife was the daughter of Judge Gaston.

Edwin G. Reade was born in Person County in November, 1812. His father died while he was very young, and he aided to support the family by menial work on the farm and in the carriage and blacksmith shop and in the tanyard. He read law, without an instructor, in books kindly loaned to him, and received license to practice in 1835. He was elected to Congress in 1855, but declined a reëlection. In 1863 he was appointed by Governor Vance to the Confederate States Senate, and in the same year was chosen judge of the Superior Court. In 1865 he was elected by the Legislature to the Supreme Court to succeed Judge Manly, being the last judge chosen by the General Assembly. In 1866 and 1867 he was elected Grand Master of the Masons. In 1868 the Supreme Court having been enlarged by the new Constitution to consist of five members, Chief Justice Pearson and Judge Reade were chosen by the people to succeed themselves, with

W. B. Rodman, R. P. Dick, and Thomas Settle as their Associates. Judge Reade's term expired 1 January, 1879, when he was chosen president of the Raleigh National Bank, then somewhat embarrassed. Like Chief Justice Ruffin, under similar circumstances, he restored the credit of the bank. In 1865 he was elected almost unanimously to the State Convention and was elected its president by acclamation. It is said that in his prime he had no superior as an advocate in this State before a jury. He was on the Supreme Court thirteen years. He died in Raleigh 18 October, 1894, in his 82d year.

Judge William B. Rodman was born in Washington, N. C., in June, 1817. He graduated at the University of North Carolina at the head of his class in 1836; read law with Judge Gaston and was licensed to practice in 1838. He was captain of heavy artillery at New Bern in March, 1862; was quartermaster in Branch's brigade, but was soon appointed on a military court with the rank of colonel. He was elected to the Convention of 1868 and, with Tourgee and Victor Barringer, was on the commission which prepared the new Code of Civil Procedure. He was elected by the people in 1868 to the new Supreme Court, and under the construction the court gave to the terms of the judges first elected under the Constitution, he served for ten years, and retired to practice law in 1879. He died in March, 1893.

Judge Robert P. Dick was born in Greensboro in October, 1823. His father, Hon. John M. Dick, was judge of the Superior Court for nearly thirty years from 1832 till his death in October, 1861. Judge Dick graduated at the University of North Carolina in 1843; read law with his father and was admitted to the bar in 1845. He was United States District Attorney from 1852 till 1861. He was a member of the State Convention of 1861, and signed the Ordinance of Secession. He was State Senator from Guilford in 1864, and was appointed United States District Judge in 1865, but resigned because unable to take the "iron clad" oath.

In March, 1867, he was a member of the convention which organized the Republican party in this State, and in April, 1868, he was elected justice of the Supreme Court. In June, 1872, he was appointed United States District Judge for the newly created Western District of North Carolina. He died in September, 1898.

Thomas Settle was born in Rockingham County in 1831. His father, Thomas Settle, was a member of Congress from 1817 to 1821; speaker of the House of Commons, 1827-8, and judge of the Superior Court from 1832 till his resignation in 1854. The subject of this sketch graduated at the University of North Carolina in 1850; read law with Judge Pearson, with whom he afterwards sat on the Supreme Court, and was licensed to practice in 1854. He was a member of the Legislature from 1854 to 1859. He was Speaker of the House in 1858; and an elector on the Buchanan ticket in 1856. He entered the war in 1861 as captain of a company in the Thirteenth North Carolina Regiment. At the end of a year's service, he resigned upon his election as solicitor of his district, which position he occupied till 1868. He was a member of the Convention of 1865. In April, 1868, he was elected to the Supreme Court, but resigned in February, 1871, on his appointment as Minister to Peru. On his return from Peru in 1872 he was president of the Republican National Convention which nominated Grant for a second term. On the resignation of Judge Dick, Judge Settle, in December, 1872, was reappointed judge of the Supreme Court by Governor Caldwell, but resigned in 1876 upon his nomination as candidate for Governor against Vance. He was appointed United States District Judge for Florida in January, 1877, and died in that office 1 December, 1888, in the 58th year of his age. One of his sisters married David S. Reid, Democratic Governor and United States Senator, and another was the wife of O. H. Dockery, Republican candidate for Governor in 1888.

Nathaniel Boyden was born in Conway, Mass., 16 August, 1796. He was a soldier in the War of 1812. He entered Williams College in 1817 and graduated in Union College, New York, in July, 1821. His father was a Revolutionary soldier who died in 1857, being 94 years of age.

Judge Boyden came to Guilford County in 1822. He was admitted to the bar in 1823 and represented Surry in the House of Commons in 1838 and 1840. In 1844 he represented Rowan in the State Senate, and in 1847 he was elected a member of the Thirtieth Congress. He declined reëlection and continued to practice law till raised to the bench. He attended forty-eight courts each year and practiced regularly in twelve counties. He was a member of the State Convention of 1865 and in 1868 was elected as a Republican to the Fortieth Congress. Upon Judge Settle's first resignation he was appointed by Governor Caldwell, in May, 1871, to the Supreme Court. He was then in his 75th year. He died in 1873 after a service of two and one-half years.

William P. Bynum was born in June, 1820, in Stokes County. He graduated at Davidson College with the highest honors, in 1843; he read law with Judge Pearson, with whom he afterwards sat on the Supreme Court, and was admitted to the bar in 1844. His license was the last signed by the lamented Gaston, who died so suddenly. In 1861 he was appointed by Governor Ellis Lieutenant-Colonel of the Second North Carolina Regiment. His future associate on the Supreme Court, Judge Faircloth, was quartermaster of this regiment. Judge Bynum was in the battles around Richmond and at the first battle of Fredericksburg. After the death of Colonel Tew he became Colonel. Early in 1863 he was elected Solicitor and returned home. He filled that position for eleven years, till he was appointed to the Supreme bench on the death of Judge Boyden, and served till the expiration of his term, 1 January, 1879, when he returned to practice in Charlotte, where he died 30 December, 1909, in his 90th year.

William T. Faircloth was born in Edgecombe in January, 1829, and graduated at Wake Forest College in 1854. His means were limited and he taught school in vacation to pay his expenses in college. He studied law with Judge Pearson and was admitted to the practice in 1856 and located in Goldsboro. He served during the war as quartermaster, and surrendered at Appomattox. He was a member of the Convention of 1865, and of the succeeding Legislature, by which he was elected solicitor. He was a member of the State Convention of 1875, as were Judges Avery and Shepherd. In November, 1876, he was appointed by Governor Brogden to the Supreme Court to fill the vacancy caused by the second resignation of Judge Settle. His term expired 1 January, 1879, and he returned to practice in Goldsboro. He was defeated in 1884 for Lieutenant Governor on the Republican ticket, and in 1890 he was the candidate of the same party for justice of the Supreme Court against Justice Clark, and was again defeated. In 1894 he was nominated by the Republicans and Populists and elected Chief Justice. He died suddenly at his home in Goldsboro 30 December, 1900.

William Nathan Harrell Smith, sixth Chief Justice, was born in Murfreesboro in September, 1812. His father was a native of Connecticut, a graduate of Yale and a physician, who removed to this State in 1802 and died in 1813. Judge Smith graduated at Yale in 1834 and studied law in its law school. Among his college mates were Morrison R. Waite, later Chief Justice of the United States Supreme Court, W. M. Evarts, since Secretary of State; Samuel J. Tilden and Edwards Pierrepont, Minister to England. He obtained license to practice law in North Carolina, but soon removed to Texas. After a stay of six months he returned to this State and served in both Houses of the General Assembly, by which, in 1848, he was elected solicitor and served eight years. He was elected to Congress in 1858 and, tho it was his first term, came within one vote of being elected speaker. He served in the Confederate Congress the four years of the war.

In 1870 he removed to Norfolk to practice law, but in 1872 he removed to Raleigh. Upon the death of Chief Justice Pearson he was appointed Chief Justice in January, 1878, by Governor Vance, and in June he was nominated for Chief Justice and elected for a term of eight years, and eight years later the bench, then consisting of Smith, Ashe, and Merrimon, were reëlected, the first two being then in their 75th year. He died in November, 1889.

The court, from 1868 to 1 January, 1879, consisted of five judges, all of whom were Republicans, except Judge Smith, who was appointed in January, 1878, to fill out the unexpired term of Chief Justice Pearson. The court was reduced 1 January, 1879, to three in number, all Democrats, Judge Smith being reëlected, with Judge Thomas S. Ashe and John H. Dillard as Associates.

Thomas S. Ashe was born in July, 1812, in Alamance and was a great grandson of Judge Samuel Ashe, already mentioned as one of the three judges who constituted the entire judiciary of North Carolina from 1777 to 1795, when he became Governor. Judge Thos. S. Ashe graduated at the University of North Carolina in 1832 in the same class with James C. Dobbin, Secretary of the Navy under President Pierce, and United States Senator Thomas L. Clingman. He studied law under Chief Justice Ruffin and located at Wadesboro in 1836. He represented his county in both branches of the General Assembly and was solicitor from 1848 to 1852. He declined the nomination for Congress in 1858. During the war he was a member of the Confederate Congress, both in the House and Senate. He was a Democratic candidate for Governor in 1868, but was defeated by Governor Holden. In 1872, and in 1874, he was elected to the United States Congress. In 1878 he was elected to the Supreme Court of North Carolina to succeed Judge Reade, and in 1886, was renominated by acclamation and reëlected, being then in his 75th year. He died in Wadesboro in 1887.

John H. Dillard was born in Rockingham County in November, 1819. For a year and a half he was at the University of North Carolina, but left on account of ill health and graduated at the Law School of William and Mary in 1840; he began the practice of law in Virginia, but returned to this State in 1846. In 1862 he entered the army as captain in the Forty-fifth North Carolina Regiment and served one year. In 1868 he removed to Greensboro; in 1878 he was elected to the Supreme Court, but resigned in February, 1881, after a service of a little more than two years. He died in Greensboro 6 May, 1896.

Thomas Ruffin, the fourth son of Chief Justice Thomas Ruffin, was born at Hillsboro in September, 1824. He graduated at the University of North Carolina in 1844. He read law under his father and began practice in Caswell County. He represented Rockingham in the Legislature, and in 1856 he was elected Solicitor, serving four years. In 1861 he entered the army as a captain in the Thirteenth North Carolina Regiment, but in October, 1861, he was appointed by Governor Clark a judge of the Superior Court to fill the vacancy caused by the death of Judge John M. Dick. He rode the fall circuit, but resigned in March, 1862, being appointed Lieutenant-Colonel of his regiment. He was wounded at South Mountain, September, 1862, and resigned the following March. Later he was appointed a member of the army court in the Army of the West. After the war he was a partner with Judge Dillard and John A. Gilmer at Greensboro, but his health becoming impaired, he abandoned the practice and removed to Hillsboro where he became an insurance agent. In 1875 he returned to the bar and formed a partnership with John W. Graham. Upon the resignation of Judge Dillard in February, 1881, he was appointed to the Supreme Court, and the next year was nominated and elected. He resigned in September, 1883, to resume the practice of law. He died at Hillsboro in 1889.

Augustus S. Merrimon was born in Transylvania County in September, 1830. In 1860 he was elected to the House of Commons, and in 1861 he entered the army as quartermaster with the rank of captain, but was soon elected solicitor and served till the end of the war. He was elected a judge of the Superior Court in 1866, but resigned in August, 1867, rather than obey orders issued by military authority. He was a candidate of the Democratic party for the Supreme Court in 1868, but was defeated with his ticket. He was candidate for Governor in 1872 and was again defeated, but in 1873 he was elected United States Senator and served till 1879. On the resignation of Judge Ruffin in 1883 he was appointed to the Supreme bench and was reelected at the next election. On the death of Chief Justice Smith, November, 1889, he was appointed by Governor Fowle Chief Justice and served three years till his death in November, 1892.

Joseph J. Davis was born in April, 1828, in what is now Vance County. His grandfather was a soldier in the Revolution. He attended Wake Forest College one year and then went to the University of North Carolina, but did not graduate. He read law under Judge Battle and was admitted to the bar in 1850. In 1862 he entered the army as captain in the Forty-seventh North Carolina Regiment and was taken prisoner in Pettigrew's charge at Gettysburg, 3 July, 1863, and was a prisoner till near the close of the war. In 1866 he was elected to the Legislature from Franklin, and in 1874 he was elected a member of Congress from the Raleigh district and served six years. In 1887, upon the death of Judge Ashe, he was appointed to the Supreme Court and was nominated and elected to the same position the following year. He died in August, 1892.

Alphonso C. Avery was born in 1835 in Burke; graduated at the University of North Carolina in 1857; studied law under Chief Justice Pearson; was admitted to the bar in 1860; served in the Confederate Army, rising to the rank of

major; was State Senator in 1866 and a member of the Constitutional Convention in 1875; was elected judge of the Superior Court in 1878 and was reëlected in 1886; upon the increase of the Supreme Court to five in number he and Judge Shepherd were elected the two additional judges and took his seat in January, 1889. At the expiration of his term, 1 January, 1897, he returned to the practice and died in Morganton in June, 1913.

James E. Shepherd was born in Nansemond County, Virginia, 26 July, 1845. During the war he was a telegraph operator in Virginia. He studied law under Judge Battle; was admitted to the bar in 1869 and was a member of the Constitutional Convention of 1875. He was appointed to the Superior Court by Governor Jarvis in August, 1882, and, by subsequent election, he continued until promoted to the Supreme Court, where he took his seat 1 January, 1889. On the death of Judge Merrimon he was appointed by Governor Holt, in November, 1892, Chief Justice, but was defeated at the election in 1894, and returned to the practice in January, 1895. He died at a hospital in Baltimore, where he had gone for treatment, in February, 1910.

Walter Clark was born in Halifax County, 19 August, 1846; graduated at the University of North Carolina in 1864; saw service in the war 1861-5 (except one year while at the University of North Carolina), attaining the rank of lieutenant-colonel. When the number of the Superior Court judges was increased from 9 to 12 in 1885 he was appointed by Governor Scales, 15 April, 1885, one of the additional Superior Court judges and was elected in 1886 by the people. Upon the appointment of Judge Merrimon as Chief Justice he was appointed by Governor Fowle to succeed him as Associate Justice of the Supreme Court, 16 November, 1889, and was elected by the people for the unexpired term in 1890. In 1894 he was elected for the full term of eight years, being nominated by the Democratic party and endorsed by the Republican and Populist parties. In 1902 he was

nominated and elected Chief Justice and was renominated and reelected in 1910 and in 1918.

James C. McRae was born in Fayetteville, October, 1838, and was licensed to practice law in 1859. He saw service in the Confederate Army, 1861-65, reaching the rank of major. He was elected to the Legislature in 1874. He became judge of the Superior Court in July, 1882, and at the expiration of his term in 1890 he returned to the bar. Upon the death of Judge Davis he was appointed by Governor Holt, in August, 1892, to succeed him, and was elected for the unexpired term. He was defeated for reelection by the Republican nominee in 1894, and returned to the practice of law. In 1900 he accepted the position of professor of law at the University of North Carolina, where he died in October, 1909.

Armistead Burwell was born in Hillsboro in October, 1839, the son of Rev. Robert Burwell, the Presbyterian pastor at that place. He graduated at Davidson College in 1859, with first honors, and was engaged in teaching in Arkansas when the war broke out. He served thruout the war with troops from that State, reaching the rank of captain, and was severely wounded in 1864 before Atlanta. He resumed teaching in Charlotte after the war, studied law and was licensed to practice in 1869; he was State Senator in 1880. He was appointed by Governor Holt to the Supreme Court in November, 1892, but was defeated in the election by the Republican candidate in 1894, and resumed practice at Charlotte, where he died in May, 1913.

David M. Furches was born in Davie County in April, 1832. His grandfather, Tobias Furches, was a prominent Baptist preacher. Judge Furches was educated at Union Academy in Davie and studied law under Chief Justice Pearson, obtaining license to practice in the Superior Court in 1857. He located in Mocksville, where he was county attorney, removing to Statesville in 1866. He was a member

of the State Convention in 1865; was defeated for Congress in 1872; for the Supreme Court in 1888; and for Governor in 1892. He was appointed judge of the Superior Court in 1875 to succeed Anderson Mitchell, and served till January, 1879. He was elected to the Supreme Court as a Republican and took his seat 1 January, 1894. Jointly with Judge Douglas, he was impeached by the Legislature of 1901 for issuing an order to the State Treasurer to pay out money which had been forbidden by an act of the Legislature, *White v. Auditor*, 126 N. C., 570. The charge was sustained by a majority of the Senate, but did not receive the necessary two-thirds vote to convict and remove from office. He resumed the practice of law at the end of his term in 1903 and died in 1908.

Judge Walter A. Montgomery was born in Warrenton in February, 1845. He served in the Twelfth North Carolina Regiment, 1861 to 1865, being promoted to second lieutenant in 1864, and was paroled at Appomattox. He was admitted to practice in 1867. In 1873 he removed to Memphis, Tenn., but returned to this State in 1876. In 1894 he was elected to the Supreme Court to fill an unexpired term for two years, and in 1896 he was elected for the full term of eight years. On its expiration he returned to the practice 1 January, 1905.

Robert M. Douglas was born in January, 1849. He was the son of Stephen A. Douglas, who was United States Senator from Illinois and candidate for President in 1860. He was Private Secretary to the Governor of North Carolina in 1868 and Private Secretary to President Grant, 1869 to 1873, and United States Marshal of North Carolina, 1873 to 1883. In 1886, then 37 years of age, he was admitted to the bar; in 1896 was elected to the Supreme Court for the term of eight years, and at the end of his term returned to practice at Greensboro. He died in February, 1917.

Charles Alston Cook was born in Warrenton in October, 1848. He was at the University of North Carolina, but graduated at Princeton in 1870; represented his county in

both Houses of the General Assembly; was United States District Attorney in 1889 to 1893. In January, 1901, he was appointed by Governor Russell to the Supreme Court, to fill the unexpired term of Judge Furches, appointed Chief Justice. His term expired 1 January, 1903. He removed to Muskogee, Oklahoma, where he became a member of the House of Representatives, and died in 1917.

Platt D. Walker was born in Wilmington in October, 1849; was a student at the University of North Carolina; studied law at the University of Virginia and was admitted to the bar in 1870; he practiced law in Richmond County and moved to Charlotte in 1876. He was elected associate justice of the Supreme Court, taking his seat 1 January, 1903; was reëlected in 1910 and in 1918.

Henry G. Connor was born at Wilmington, July, 1852; was admitted to the bar in 1873; was a member of the State Senate and House, being speaker of the latter in 1899. He was judge of the Superior Court eight years, 1885 to 1893. He was elected associate justice of the Supreme Court and took his seat 1 January, 1903. Was appointed United States District Judge for the Eastern District of North Carolina, 1 June, 1909, which position he still fills.

George H. Brown was born in Washington, N. C., May, 1850. He was educated at Horner's School at Oxford and was admitted to the bar in 1873. He was judge of the Superior Court, 1889 to 1904, and was elected to the Supreme Court, taking his seat 1 January, 1905, and was reëlected in 1912.

William A. Hoke was born at Lincolnton, 25 October, 1851; educated at private schools; studied law under Chief Justice Pearson and was admitted to the bar in 1872. He was State Senator in 1889, and judge of the Superior Court, 1891 to 1904; elected to the Supreme Court, taking his seat 1 January, 1905, and was reëlected in 1912.

James S. Manning was born in Pittsboro in June, 1859; graduated at the University of North Carolina, where he

studied law and was admitted to the practice in 1880, locating at Durham. Was a member of the State House of Representatives in 1907 and State Senate in 1909. He was appointed by Governor Kitchin, in June, 1909, to fill the unexpired term of Judge Connor, returned to the practice of law 1 January, 1911, and was elected Attorney General for term beginning January, 1917.

William R. Allen was born at Kenansville in March, 1860; graduated at Trinity College, N. C.; studied law under his father and was licensed to practice law in 1881, locating at Goldsboro. He represented Wayne in the General Assembly in 1893, 1899, and 1901; he was appointed judge of the Superior Court in August, 1894, but was defeated by his Republican opponent and returned to the practice 1 January, 1895. He was again elected to the Superior Court and served eight years, from 1 January, 1903, when having been elected to the Supreme Court, he took his seat there 1 January, 1911, and was reëlected in 1918.

The Supreme Court of North Carolina, as a separate organization and not merely as a court of conference of Superior Court judges, began 1 January, 1819. It therefore rounded out a century 1 January, 1919. It has had, including the present incumbents, forty judges. The court consisted of three members from 1 January, 1818, to 1868. It was composed of five judges from 1868 to 1 January, 1879; it then consisted of three judges to 1 January, 1889, and since that date of five judges. Of the forty judges Chief Justice Taylor was born in England; Chief Justice Ruffin, Shepherd and Judge Hall in Virginia; Judge Boyden in Massachusetts; the other thirty-five were natives of this State.

Chief Justice Ruffin was in his 83d year when he died, and Judge Manly in his 82d—both after their retirement; but Chief Justice Taney of the United States Supreme Court died in office in his 88th year, soon after delivering the opinion in the *Merryman case*, and Lord Halsbury is still

the highest judicial officer in England, chairman of the Law Committee in the House of Lords, in his 95th year.

Judge Settle was the youngest judge, ascending the bench at 37. Next came the elder Ruffin, Pearson, Murphey, Shepherd, and Clark, who all went on at 43. Judge Furches went on at 62, becoming Chief Justice at 68; Judge Nash at 63, and was in his 72d year when made Chief Justice.

Judge Smith went on the bench at 65, and Judge Ashe at 66, as was Faircloth when taking his seat a second time, after an interval of sixteen years. Judge Boyden was 74 when appointed, and yet served two and a half years. Smith and Ashe were in their 75th year when elected a second time. There is probably no other case of two out of three judges of the highest court of a State being reëlected at such age. The longest service (except the writer's) has been Pearson's, twenty-nine years and three weeks, and the elder Ruffin, nearly twenty-five years (counting both times he was on the bench), and each of these was nineteen years Chief Justice. The writer has been on the Supreme Court since 16 November, 1889.

As to religious persuasion, three have been Roman Catholics, Gaston, Manly and Douglas; two Baptists, Faircloth and Montgomery; four Methodists, Merrimon, Clark, Cook, and Allen; seven Presbyterians, Nash, Reade, Dick, Smith, Dillard, Avery, and Burwell; one Freethinker, and the remaining 23 Episcopalians.

For the first 50 years—1818 to 1868—the judges were chosen for life by the General Assembly. For the last 50 years—1868 to 1918—they have been elected by the people and for terms of eight years.

The Superior Court in 1777 consisted of three members, and notwithstanding the requirement for a Supreme Court in the Constitution of 1776 remained the sole court of higher jurisdiction for 42 years. It was gradually increased from three judges in 1777 to eight judges in 1868, when the Constitution increased the number to twelve. On 1 January,

1879, this number was reduced to nine, which was again increased to twelve in 1885. In 1901 it was increased to sixteen, and in 1913 to 20. In 1915 the State was divided into two divisions and the Superior Court judges were required to rotate by holding successively only the districts in their own division instead of the entire State.

The Superior and Supreme Courts were legislative creations till 1868, the judges being elected by the Legislature for life terms. The Constitution of 1868 made them constitutional officers, elective by the people for terms of eight years. The number of Supreme Court judges is fixed by that instrument, but the Legislature can increase or diminish the number of Superior Court judges. In the event of a vacancy, either on the Superior or Supreme Court bench, the Governor appoints until the vacancy is filled at the next general election.

A handwritten signature in cursive script, reading "Walter Clark". The signature is written in dark ink and is positioned to the right of the main text block.

RALEIGH, N. C., 4 January, 1919.

William Bryan of Craven County, Brigadier General in the American Revolution

BY WILLIAM HOLLISTER

During the time that Ireland was divided into small monarchies or baronies, O'Brien was head of the government of Munster. The celebrated "Hall of Tara" (poem by Thomas Moore) is referred to as having been visited by him in "The Story of Ireland," by Lawless, ch. 8, p. 61. In after years, from various causes, the name gradually changed its orthography to O'Brian, then to O'Bryan, and the competitor for the Irish Crown was John O'Bryan, some account of whom perhaps we find in Grenshaw's History of England. Some time during the latter part of the seventeenth century his five sons, who were under political proscription, left their native land for America. Their names were Council, Edward, John, William, and Hardy. They were compelled to leave their widowed mother and their home of luxury and come as mere adventurers to the new world. Council having died at sea, the remaining four landed at New Bern, N. C. They were bold, energetic men and went at once to work. They began with many others to make what has since become one of the greatest commercial productions of the State—tar. By strict economy and perseverance they soon saved enough money to purchase a negro named "Tom," the first ever owned by the Bryan family. They had dropped the "O" from their name and wrote it simply Bryan. (The above by tradition.)

Fortune smiled upon their labors and ere many years they had purchased as many slaves as they desired and invested their funds in vessels at sea. After this period we know nothing of the original four except Hardy. It is said that the Bryans are descended from Brian Boru, who was for twelve years Monarch of Ireland (about 1014). For reference, see "The Story of Ireland," ch. 8, pp. 60-70.

William Bryan, son of Hardy Bryan (one of the original four), and Sarah Bonner, who was the daughter of Sheriff

Thomas Bonner, was born in Craven County, the date unknown, near Fort Barnwell. He was a large landowner and a very prominent man in the political and military life of his day. His remains lie buried near his old home, and a descendant, Mr. Albert E. Wadsworth, now owns the land. The exact time of his death is also unknown, but his will, made January 8, 1791, and probated in the same year at the March term of court, shows that his death occurred some time in that year, and very early in that year. See Book of Wills A, p. 24, in the "Records of Wills" at the Craven County courthouse, New Bern, N. C.

The first mention we can find of William Bryan in the political life of the province is at a council meeting of the delegates of the province in convention at New Bern, April 3 and 4, 1775. He was a delegate from Craven County, see Colonial Records, Vol. 10, p. 110. On August 21, 1775, at a meeting of the delegates to the Assembly at Hillsboro, called by Samuel Johnson, to which Assembly William Bryan was a delegate, he was made lieutenant-colonel of the New Bern district (see Wheeler's History of North Carolina, Vol. I, p. 72). Colonial Records gives this date as Saturday, September 9, 1775 (Vol. 10, p. 563). Jones's Defense of North Carolina mentions William Bryan as lieutenant-colonel (ch. 8, p. 220).

The New Bern Minute Men, under the command of Colonel Bryan, participated in the battle of Moore's Creek Bridge, sometimes spoken of as Brier Creek Bridge, February 27, 1776, which was the first victory to American arms in the Revolution. (See Jones's Defense, ch. 8, p. 339. State Records of North Carolina, Vol. 14, pp. 271, 276-278, 281, 282, 283, and Vol. 13, p. 13.) At Moore's Creek Bridge he figured gallantly. This battle awakened the people of North Carolina to a realization of their true situation. They had begun to see the absurdity of swearing allegiance to a king who had thrown them out of his protection and with whom they were at open war. In a letter written from

Halifax, N. C., April 14, 1776, a tourist who had just arrived from Philadelphia thus described the state of affairs, in the *News and Observer*, dated March 6, 1910:

As I came through Virginia I found the inhabitants desirous to be independent from Great Britain; the same is true in North Carolina. However, they are willing to submit to whatever the General Congress shall determine (General Bryan was a member of this General Congress). Gentlemen of the first fortune in the province have marched as common soldiers, to encourage and give spirit to the men that have footed it the whole time. Lord Cornwallis with seven regiments is expected to visit us every day. All regard and fondness for the King and Nation of Great Britain is gone. A total separation is what they want. Independence is the word most used. For many weeks in letters, newspapers, in conversations, at the firesides and cross-roads, and in public assemblies the people have been discussing the great question. But the crowning arguments in favor of a declaration of independence were the guns of Caswell, Lillington, Ashe and Bryan, at Moore's Creek Bridge, and the black hulks of Sir Henry Clinton's men-of-war as they rode at anchor in the Cape Fear, February 27.

Quoting from Vol. 14, p. 278, of Colonial Records:

The creek was fordable both above and below the camp; and above so narrow that in some places a tree might have been felled over so as to permit men to pass. The camp which, in the absence of General Ashe, had been put in order by General Bryant (as his name is sometimes spelled) and General Elbert faced up the fork; the left nearly touched the creek and the right reached within about half a mile of the swamp that borders upon the Savannah River. In advance about a mile was a piquet of one hundred men which had been divided into several smaller ones with a chain of sentries between each, and in addition an advanced sentry for the whole; in the rear was posted the light infantry with one brass four-pounder near where the bridge had stood. They might have plainly perceived from several proofs that the larger part of the enemy had moved, but did not return to give notice of it. The first intelligence received of the enemy's movements was from an express that was on his way up to General Williamson's, who had scarcely communicated it when a message from Colonel Smith confirmed it. They came down about three o'clock in the afternoon, in three columns three abreast: the center column came down the road (at least the general could not discern the other two so plainly) and began firing at thirty yards distance.

In the words of General Bryan himself, taken from Colonial Records, Vol. 14, pp. 278-280, he says:

I pointed out that my opinion was that the camp was not properly placed in being so near the bridge. Nevertheless a detachment of four hundred men were sent out that evening under the command of Colonel Caswell to surprise a piquet of the enemy. They passed the creek in a flat near where the bridge had been; on the 28th, which was Sunday, General Ashe (who was chief in command) left camp about ten o'clock in the morning to meet General Lincoln at William-son's, but without giving me any commands or orders; the duty now falling upon me, I called a council of the field officers and determined for several reasons to move the camp a mile higher up the fork.

He could have wished to encamp across the road, but consulted the convenience of getting water, and found that it was not advisable. He immediately fixed places about three-quarters of a mile in front for the piquets, whilst the camp was further secured by a chain of sentries from the creek swamp across the road, and down the road to the light infantry in the rear; these precautions they thought sufficient for the evening. On Monday, the first of March, Colonel Williams, who was field officer of the day, acquainted General Bryan that the enemy had been on their lines all night. General Bryan, upon hearing this, doubled all the piquets, but had no horse to send out until about twelve o'clock, when Major Ross was prevailed upon, though his men had suffered very much for want of provisions, and their horses for want of forage. Here General Bryan adds how exceedingly uneasy he felt when he considered the long, fatiguing march the men had undergone, how wretchedly they were equipped, and how terribly they needed rest.

By an act of the Continental Congress on May 4, 1776, William Bryan, Esquire, was appointed brigadier general of the militia for the New Bern district. (See Colonial Records, Vol. 10, p. 563.) This accounts for the prominent part that he was enabled to play in the battle of Moore's Creek Bridge.

General Bryan was not the William Bryan that is spoken of in "Governor Tryon of North Carolina," by Marshall Haywood, as is the current opinion, for in that volume we find these words, "The only officer killed was the bearer of the Royal standard, Ensign William Bryan of Craven County. This gentleman was a near kinsman of Brigadier General William Bryan of the Revolution, and belonged to the well-known Bryan family still resident in New Bern." (Reference, p. 129, volume on "Governor Tryon of North Carolina.") These two men have been often confused, but we can see from this that Brigadier-General William Bryan never raised the English King's standard. In 1776, on April 4, the Provincial Congress met at Halifax and elected General Bryan, along with other representative men of Craven County to oppose Royal Government. (See Wheeler's History of North Carolina, Vol. 1, pp. 71-78.) On April 13, 1776, the Congress, then assembled at Halifax, appointed a committee of its ablest men to prepare a civil constitution, with General Bryan as one of the leading men. This Council of Safety then recommended to the people to elect on October 15 delegates for a council that was to meet in Halifax on November 12, 1776, which was to make a constitution of laws that were to serve as a corner-stone for all laws. (See Wheeler's History of North Carolina, Vol. 1, pp. 84-85.) General Bryan was a member of the House of Commons for the years 1780-1781 and 1782-1783. (See County Records of Craven County, p. 122.)

In Colonial Records, Vol. 13, we find a letter written by Governor Caswell to General Bryan in which he says:

Mr. Hardy Bryan, who was appointed by the General Assembly to supply the several detachments ordered to march from the regiments belonging to your brigade, having declined that service, I am to request that you forthwith direct the commanding officers of the several regiments composing your brigade to appoint some persons to furnish the men marching from their respective regiments with provisions until they reach Halifax, N. C., as this very necessary business must not be neglected.

In Colonial Records, Vol. 14, p. 17, we find a letter written to Governor Caswell from General Lincoln:

I hope as soon as the furloughs of your nine-months men shall expire they will be forwarded and that your militia will be relieved in time. The enemy lately moved as far as Augusta with, as I am informed, seventeen hundred men. We have a body opposite to oppose their crossing. General Ashe, with General Bryan's brigade, is gone up. It is a matter of great importance that we prevent the enemy from getting into the upper part of the country, from where we draw many of our supplies, in which are many unfriendly persons, and by which our communication with the Indians would be cut off, and they be obliged to turn their trade and receive their supplies through another channel, which would plainly not be to our advantage.

General William Bryan married three times—Mrs. Respass, Miss Green, and Miss Mackey. Miss Green was a daughter of Colonel James Green of the line of Peter Green of Burley Hall, England, and a sister of the Colonel Joseph Green. General Bryan's daughter, Eleanor Bryan, had the earrings torn from her ears by British soldiers. (This by tradition.) One day his wife and daughters were walking to a neighbor's house to call, and were surprised by a ruffian red coat who rushed out of the woods and pulled the earrings out of one of the girls' ears and demanded all of their jewelry. In terror they gave it up, all but one girl named Anne, who refused to take off one of her rings (which happened to be her engagement ring). He drew his sword and declared that he would kill her if she did not. She threw her hands over her head and said with her father's spirit, "I will die before you shall have it." In the midst of this revolting scene it is said that an aide de camp of the British officer rode upon the party just in time to witness this atrocity on the part of some of his soldiers, and immediately struck to the ground with his saber one of those cowardly wretches who died then and there. (This by tradition.)

General Bryan was engaged with his command in frequent collisions with the British forces who were constantly making incursions on the inhabitants of Craven County in the vicinity

of Core Creek and Fort Barnwell, his plantation and residence being located near Core Creek at the spot where Mr. Albert Wadsworth now resides. In one of the forays the British force greatly outnumbering his command, they routed Bryan's forces and came near capturing him. By a ruse of one of his faithful slaves, York by name, he was secreted by him and taken to an island in Neuse River near York's home, and regularly fed and taken care of for several days, the negro making his perilous trips to General Bryan always at night. The British entered his dwelling, ransacking every hole and corner to find him, but without success. This so exasperated them that they ordered the family out of the house and burned it to the ground, as found in Colonial Records, Vol. 15, p. 627.

Early one night as York stepped into the road (he had just taken his master's supper to him) he met a band of Tories, some of whom knew York and he knew them. The general was near enough to hear the whole conversation. They asked the negro where his master was, he replied that he did not know. "You are a liar," they said. "Now tell us where he is and we will give you money." (This part, which is traditional, was given the writer by Mrs. J. W. Waters, who has been unable to find out the exact amount that was offered to York.) The negro still contended that he did not know where the general was. Then they offered him his freedom and still he held out. Finally, becoming enraged they threatened to kill him if he would not tell. York told them to kill him, even then they would not find where "Marsa" was. One of them, so goes the account, was going to shoot him, but the captain stopped him, saying, "The poor negro does not know where his master is." So they went on and left the negro undisturbed.

The general afterwards said that he was afraid that they would hear his heart beat, so near were they to his hiding place. The person above mentioned as furnishing this source of information has pointed out the spot where the general

was in hiding at the time. York was an honored guest at the homes of all of General Bryan's children and grandchildren, and was often invited up to the sideboard to drink his French brandy out of the cut-glass decanters. Like most of his race, and ours too, York ardently loved intoxicants. He was a worthy negro and lived a respectable life, the general having given him a life estate in lands on the south side of Core Creek, and this land is known to every one at the present time as the "York field."

The Tories, as mentioned above, gave General Bryan trouble in that they burned up all of his property that they could. (See Colonial Records, Vol. 15, pp. 627-8.) This same passage gives account of his revenge, a part of which I will quote:

After the enemy were in possession of New Bern a couple of days, they evacuated it and came up Neuse Road to our post at Bryan's Mill (this is part of a letter written from General Caswell to Governor Burke) and were very near to surprizing the party there which I had just left under the command of Colonel Gorham, who finding the enemy advancing in front, made every disposition to skirmish with them, thinking his right flank and rear well covered with horse. But on their approach in front the piquets on his right flank began to skirmish. He then found that the horse had not taken post as directed, and ordered a retreat, which he very well effected two miles across Neuse River. The enemy lay but one night there, burnt Bryan's house, Mr. William Herritage's and the Cox's dwellings, and much distressed and abused their families; then moved across the country to Trent River, and have gone toward the "Richlands" of New River. They let us accidently find out that their intentions were to go down the sound and destroy all the salt works. They have taken about fifteen prisoners. Their loss would have been much greater but for the scarcity of our ammunition which prevented my skirmishing to any great extent. General Bryan, the Herritages and Cox's have raised a party and burned up all of the Tories' houses near them. I am exceedingly sorry for the event and dread the consequences. Have given them orders to stop it, but fear that I cannot put an end to it.

This letter was written August 27, 1781.

General Bryan was a trustee of the school at New Bern. In Colonial Records, Vol. 24, p. 607, we find: "The General

Assembly appointed a schoolhouse at New Bern. This act was amended in 1784 and the following trustees appointed: Hon. Richard Caswell, Abner Nash, John Wright Starkey, General William Bryan, and Richard Dobbs Speight." He was sheriff and lieutenant-colonel while Caswell was colonel of the regiment during the year 1774-1775. (See Colonial Records, Vol. 21, p. 1072.)

Colonial Records, Vol. 24, p. 387, shows that by an enactment of the General Assembly of the State of North Carolina a board of auditors was constituted and appointed in each of the districts of New Bern, Wilmington, Halifax, Hillsboro, Edenton, and two for the district of Salisbury, each board to consist of three members, to be composed of the following persons: James Coor, William Bryan and John Hawks for the district of New Bern (the rest of the names I will not enumerate).

He was appointed by the Provincial Congress to see that Thomas Emery would remove himself from the town of New Bern within ten days to the county of Dobbs, there to remain for the space of two months, on account of undue practices which tended to influence the minds of the people and prevent the militia of Craven County from turning out in defense and protection of the province. (See Colonial Records, Vol. 10, p. 632.)

It seems that his detachment was the center around which the others had their orders issued to them. From Colonial Records, Vol. 8, pp. 675-676, I quote the following:

Colonel Ashe will take command of the army and march with them to Colonel Bryan's, from whence the several detachments will march under the command of their respective commanding officers to their particular counties and be there discharged. The commissary will supply the army with provisions as usual until they get to Colonel Bryan's, and then furnish the commanding officers of the several detachments with a sufficient quantity to serve them to their respective homes. The whole of the artillery and ammunition to be escorted to New Bern from Colonel Bryan's by the detachment under the command of Colonel Leech. The horses taken in battle are to be divided at Colonel Bryan's—one-half to go to New Bern with

Colonel Leech, the other half to go to Wilmington with Colonel Ashe, where they are to be sold at public vendue, and the proceeds to be paid to the public vendue.

General Bryan's advice was constantly sought and his opinions highly respected. His appointment on countless committees shows how valuable a man he was to his community in those terrible days, regardless of the numerous other trustworthy positions that were held by him. In Colonial Records, Vol. 10, p. 175, can be found a statement to the effect that he was on a committee for the purpose of preparing a plan for the internal peace, order and safety of the province, and to make such an arrangement in the civil police of the province as may tend to supply in some measure the defect of the executive powers of government, arising from his Excellency's absence. (This refers to the absence of Governor Martin.) This body of men was also to take into consideration the propriety of appointing a committee of safety; the members to compose it, the manner and time of meetings, qualifications of the electors and elected, the number of which these shall consist, etc.; and further to report the necessity, if any there be, of forming other committees in order to relieve the province in the present unhappy state to which it was subjected.

That he was a man of some kindness of heart is proven by the fact that he expressed his desire and willingness to pardon one Reynold McDugall, who was a boy of about eighteen years of age, and condemned, on August 9, 1775, to death for murder. The case was one of pronounced guilt, but owing to the youthfulness of the criminal and the dependence of his mother upon him, General Bryan was in favor of pardoning him. This pardon was granted. (See Colonial Records, Vol. 9, pp. 683-685.)

William Bryan, Church Warden of Christ Parish of Craven County, was, as we can see, an influential man in his church. For reference to his active part in the affairs of the

Episcopal Church see the North Carolina Historical and Genealogical Register, Vol. 2, No. 2, and paragraph 11.

He resigned as brigadier-general in 1779. (See Colonial Records, Vol. 13, pp. 754, 755, 793, 807, 808.)

General Bryan owned a large body of land where Tuscarora now stands. He built the mill on Core Creek just west of his home, which was at this time the most famous mill in Eastern North Carolina. The stream afforded water in the greatest drought. It had two saws and two grists, one for corn, the other for wheat.

I desire to emphasize the fact that Brigadier-General William Bryan was not killed in the battle of Alamance. Had he been killed in this battle, which was a battle between the English Colonists and the Regulators, in May, 1771, he certainly could not have been in a position to resign as brigadier-general in 1779. (Colonial Records, Vol. 13, p. 755.) It is generally thought by the majority of people that he met his death in this way. But our hero lived on and made a most heroic stand for his country that he loved so dearly and tried so faithfully to serve, as I have tried to show in the above. And was he not a hero? There were other men in the Revolution that held higher military positions than did he, but he was ever a true and loyal patriot, a highly respected and esteemed general.

For Whom Was Edgecombe County Named?

BY GASTON LICHTENSTEIN

It is said that Governor David L. Swain once attempted to count the errors in Wheeler's History of North Carolina. When the amazing figure of one thousand was reached, he put down the book. Whether this story be true or false, John H. Wheeler has squeezed more inaccuracies into a mass of valuable matter than any so-called historian to my knowledge. Yet, with all its faults, the work is worth a great deal to students. Herein they find a multitude of details which offer an unusual stimulus for research in order to prove their truth or falsity.

The first sentence of the chapter on Edgecombe alleges that the county was formed from Craven. For this bit of misinformation the authority cannot be determined. Edgecombe was a precinct from its origin until 1738, when the precincts of the colony became counties. Whether or not Governor Burrington's creation failed to receive legislative confirmation as a county before 1741, the Colonial Records expressly state that Edgecombe was formed from Bertie. Otherwise, what does the following extract mean: "Read a Bill entitled a Bill for an Act Appointing that part of Bertie Precinct which lies on the South Side of Roanoak River to be Establisht a precinct by ye name of Edgecombe."¹ Wheeler's first reference is to Martin's history, but the authority cited simply says that the county of Edgecombe, which had been erected by an order of Governor Burrington in council, was confirmed by law (1741). No mention of Craven is made by Martin. Before entering upon the subject proper, I respectfully ask that Bertie be given credit as the parent of Edgecombe. Thus, one error is disposed of.

Sentence two, of the chapter on Edgecombe, informs us that its name is Saxon, and signifies "a valley environed with hills," and is derived from the Earl of Mount Edgecombe,

¹ Vol. III, p. 640.

who, as Captain Edgecombe of the navy, had served with reputation under Admiral Byng, in 1756, at Minorca. How Wheeler could write such a sentence is beyond my comprehension, for he stated at the beginning of the chapter that Edgecombe was formed in 1733. The fight, in which Captain Edgecombe distinguished himself, occurred twenty-three years after Burrington erected the new precinct. How could the Governor name a portion of the Colony in 1733 for a man who "*had served*" in 1756?

George Edgecumbe, first Earl of Mount-Edgecumbe, was born in 1721. He was twelve years old, therefore, when Bertie precinct lost a big part of its territory. It is true that, in 1756, this nobleman assisted Admiral Byng; it is true, also, that he rose from midshipman to the rank of admiral in the English navy, but the distinguished services of George Edgecumbe could not have been retroactive. As a boy of twelve, he had almost certainly done nothing for which any honor was due him in the Colony of North Carolina.

Richard Edgcumbe, first Baron Edgcumbe and father of the admiral, was born in 1680. In 1733, when Edgecombe precinct was formed, this gentleman enjoyed the friendship of Horace Walpole; in fact, he is said to have been popular with George II because he was shorter than that diminutive monarch.² He occupied the position of a lord of the treasury for a number of years and, although politically corrupt in his management of the Cornish boroughs, seems to have left a worthy name in other respects. Walpole, whom he served as a most trusted subordinate, said Richard Edgcumbe was "one of the honestest and steadiest men in the world."

On the 14th day of November, 1732, Captain Burrington, Governor of North Carolina, wrote a letter to the Board of Trade and Plantations concerning Baby Smith. Most of the details are unrelated to the present subject and will be omitted. The lordships were informed that Baby Smith

² Dict. of Nat. Biog., Vol. XVI, p. 377.

needed an Instructor from a Gentleman in Hanover Square. The Governor continues: "I thought Smith would be at a great loss how to proceed against me. Upon Mr. Ashe's breach of promise in not repairing to London, therefore judged he would want an Instructor, and for Hanover Square I might very well think that a fitt place of Instruction, it was there I used to wait upon two Gentlemen for advise and assistance in my own affairs. The right honourable Mr. Edgcombe, allways generouse, wise and beneficent is one of the persons I mean."³

Who was Mr. Edgcombe? The generous, wise, and beneficent gentleman was very probably the person whom Royal Governor Burrington selected to honor. As the Chief Executive of the Colony formerly went for advice and assistance to Mr. Edgcombe, it is fair to assume (other evidence being unsatisfactory) that George Burrington showed his gratitude by naming one of the three precincts, erected in the year following the date of the above letter, for his proved friend. But, was the gentleman Richard Edgcumbe?

A search through the Colonial Records reveals the information that on January 7, 1755, a Mr. Edgcumbe sat as a member of the Board of Trade. His fellow members, present at the particular meeting, were: the Earl of Halifax, Mr. Pitt, Mr. Oswald, and Mr. Fane. Although the first baron did not die until 1758, advanced age would be strong evidence to offer that he did not occupy a place on the Board of Trade. His son Richard, second Baron Edgcumbe and elder brother of the admiral, held a number of positions in the service of the English Government, and, like his father, enjoyed the friendship of Horace Walpole. While Richard Edgcumbe, the younger, may have served on the Board of Trade in 1755, he could not have been a friend of Governor Burrington in 1732 because he was then only sixteen years old.

Family history ought to be preserved, at least, through tradition. A considerable amount of matter, in the case of

³ Vol. V, p. 480.

the Edgcumbe family, has been permanently preserved, but the data at my command throw no direct light on Edgecombe County. I wrote a letter to the present Earl of Mount-Edgecumbe and asked for his assistance. He replied kindly enough but could not help me. Therefore, the question is open: for whom was Edgecombe County named?

Biographical and Genealogical Memoranda

COMPILED AND EDITED BY MRS. E. E. MOFFITT

A sketch of Chief Justice Walter Clark by Mrs. Moffitt appeared in *THE BOOKLET* of January, 1910.

WILLIAM HOLLISTER

The author of "William Bryan of Craven County, Brigadier-General in the American Revolution," is the son of Mr. and Mrs. Charles Slover Hollister of New Bern, North Carolina. His mother is a Daughter of the Revolution, and, upon request, furnished this interesting sketch. The North Carolina Sons of the American Revolution offered a gold medal to schools and colleges of the State for the best essay on "Brigadier-General William Bryan of Craven County." The offer which was sent out is as follows:

"A GOLD MEDAL FOR BEST ESSAY

"The North Carolina Society of the Sons of the American Revolution offers a Gold Medal for best essay on William Bryan of Craven County, Brigadier General in the American Revolution.

"CONDITIONS OF CONTEST

"1. It will be limited to students of the colleges, high schools, public and private, in the State of North Carolina.

"2. All essays must be original work of the contestants, giving credit by quotations where verbatim copying is resorted to, and referring to book and page from which quotation is made.

"3. Essays must not exceed 3,000 words.

"4. In all essays facts are to be stated as facts and traditions as traditions.

"5. Three typewritten copies are required of each essay, one copy of which is to be sent to Judge S. C. Bragaw, ex-

President of the N. C. S. A. R., Washington, N. C., Mrs. W. N. Reynolds, State Regent D. A. R., Winston-Salem, N. C., and Dr. S. Westray Battle, Asheville, N. C.

"6. These essays must be filed with the above named persons before May 15, 1916.

"7. If several students in a college, or one high school, prepare essays, the best one is to be selected from these by a local contest, or in any other way the school authorities may prefer. Only one essay, the best, from any one college or school can compete in this contest.

R. T. BONNER, *Secretary,*
Aurora, N. C.

E. A. HARRINGTON,
Greensboro, N. C."

Although it was William Hollister's graduating year at Davidson College and he had many outside duties—member Student Council, member Y. M. C. A. Cabinet, on editorial staff of the *Davidsonian*, member Blue Pencil Club, etc.—his mother was particularly anxious that he should try to win this medal, as General Bryan was his great-great-great-grandfather. He has had two years of medicine at Johns Hopkins and has two more before him.

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JANUARY, 1919

No. 3

The North Carolina Booklet



GREAT EVENTS IN NORTH CAROLINA HISTORY



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

CONTENTS

John Steele..... 123

BY ARCHIBALD HENDERSON

Thomas Benbury—A Brigadier-General of the American
Revolution 134

BY EMILY RYAN BENBURY HAYWOOD

The Trial of Henry Wirz..... 143

BY SARAH W. ASHE

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Great Events in North Carolina History

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ton, Adams, and Jefferson

The North Carolina Booklet

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JANUARY, 1919

No. 3

John Steele

BY ARCHIBALD HENDERSON

"North Carolina has produced few individuals," says that astute judge of men and affairs, David L. Swain, in speaking of John Steele, "whose public services offer more interesting topics for history and biography." Modest to a fault, exceptionally sensitive in disposition, he was at once rarely versatile and efficient. In the earliest years of the Republic, with his hand upon the nation's pulse, he numbered among his friends and familiar correspondents such figures as Washington, Adams, Jefferson, Hamilton, Oliver Wolcott, Albert Gallatin, Joseph Habersham, James Iredell, Alfred Moore, Nathaniel Macon, and William R. Davie.

I

John Steele, named after his father's brother, was born at Salisbury, North Carolina, on November 16, 1764. His mother was first married to Robert Gillespie, who was murdered by the Indians in March, 1760. Her second husband was William Steel, Commissioner of the Borough Town of Salisbury. Known to history as Elizabeth Maxwell Steel, she endeared herself to her country by presenting to General Nathanael Greene, in the darkest hour of his career, her savings of years for the public service.

John Steele received his early education at the "English School" in Salisbury of which his mother thought so highly. An important influence was exerted upon young Steele during his earlier years by Dr. Samuel Eusebius McCorkle, the husband of his half-sister, Margaret Gillespie. As a youth, Steele attended the famous Latin School, Clio's Nursery, near present Statesville, North Carolina, opened by the Rev. James Hall about 1775. Under the influence of McCorkle

and Hall, who were inspired by the teachings of Nassau Hall and the Revolutionary zeal of John Witherspoon, Steele early exhibited a deep love of country and a flaming passion for liberty. At the age of thirteen, against his mother's will, he enlisted in the Continental Army; and soon afterwards his mother is writing to him as follows: "Since you have chosen that manner of life, it would give me the greatest pleasure to hear of your acquitting yourself with honor and faithfulness to your country."

After the expiration of his military service, young Steele returned to Salisbury and established a mercantile business, which doubtless often sent him on business visits to Cross Creek, near present Fayetteville, the economic center of the Scotch mercantile trade. Here he formed the acquaintance of the well-known merchant, Robert Cochran. Attracted by the charms of Mr. Cochran's daughter-in-law, Mary Nesfield, he successfully pressed his suit and was married to the woman of his choice on February 9, 1783. In a letter to his uncle, Ephraim Steele, at Lancaster, Pennsylvania (Salisbury, April 24, 1787), John Steele writes: "Mr. McCorkle's family, my mother's and my own are well. I have had two children but was unhappy to lose one last summer, as well as my old friend and benefactor, Robert Cochran of Fayetteville, with whom I was concerned in trade. Since his death I have conducted the business alone with tolerable success. Goods retail high in this place. The great quantity of paper money which circulates through this state is a heavy drawback upon our prosperity."

John Steele early displayed not only unusual capability in commercial enterprise, but also marked talent as a student of public affairs. On May 5, 1784, he was chosen Assessor for the Town of Salisbury; on March 12, 1787, he was qualified as Town Commissioner; and for many years he held the office of Justice of the County Court of Rowan. His conspicuous interest in public affairs, together with his general popularity, soon brought him into public notice. In 1787,

at the age of twenty-two, he was sent to the House of Commons as the representative of the Town of Salisbury. "Though his attention had been devoted to mercantile and agricultural pursuits," observes Moore, the historian, "he developed a strength and clearness in his address that were astonishing." The public confidence reposed in young Steele was demonstrated by his election to represent the town in the convention, held for the purpose of considering the propriety of adopting the new Federal Constitution, begun at Hillsborough on July 21, 1788. A remarkable testimony to Steele's ability is the fact that, in a membership of two hundred and eighty, he is ranked by Iredell's biographer with the great leaders, James Iredell, William R. Davie, Samuel Johnston, Richard Dobbs Spaight and Archibald Maclaine, as one of the half-dozen most prominent Federalists in the convention. "He was universally regarded," says McRee, "as a very enlightened politician, and accomplished gentleman." By Hubbard, Davie's biographer, Steele is described as diligent, clear-sighted, and for his knowledge of men and skillful marshaling of their forces a valuable ally of the cause of the Constitution. When Steele was instrumental in having the new county formed out of Rowan named Iredell, James Iredell wrote him a letter of hearty thanks (Edenton, February 7, 1789), in which he said: "My opportunities of rendering any public service have been very few; but no man's heart is more warmly disposed to the public interest than mine. I think neither you nor myself could give stronger proofs of it, than in supporting with all the earnestness in our power a Constitution which, in my opinion, gave us the only chance of being rescued from the dreadful evil of universal anarchy, which is as far removed from true liberty as despotism itself." Again Steele represented Salisbury, both in the Legislature of 1788 and in the Convention of 1789, which met at Fayetteville in November and by a large majority ratified the Federal Constitution.

II

On account of the prominent part he had played in political affairs, Steele was put forward by the people generally, irrespective of faction, in the Salisbury District, and at the age of twenty-five elected to the First United States Congress, which convened at Philadelphia on March 4, 1789.¹ During the two terms of his service in Congress, Steele won real and merited distinction. His speeches were marked by great earnestness, delivered with dignity, and stamped with the authority which rests on knowledge. Popularly classed as a Federalist, who had won his seat as an active supporter of the Constitution, he showed himself to be neither a partisan supporter of administrative measures nor a colorless recorder of Federalist opinion. In reality, his was the attitude of the statesman who is above party. The great veneration he felt for Washington was tempered by the consciousness that Congress, out of an excess of admiration for this great man, had "by law invested him with powers not delegated by the Constitution, which would have been intrusted to no other." Steele greatly admired the genius of his friend, Alexander Hamilton, as administrator and financier. Yet he was by no means an unqualified adherent of Hamilton; and on important occasions, he opposed measures of Hamilton's which he regarded as unwise and impractical. Supported by his colleagues, he opposed Hamilton's plan of the assumption by the Union of all the debts of the States contracted in gaining American independence, on the ground that it was impossible to adjust the account equitably. In conformity with well-considered views, he supported the bill for establishing a national bank, which was so vigorously fought by Jefferson and his followers on the ground of unconstitutionality. In the fight on the Secretary of the Treasury, he voted uniformly

¹As North Carolina did not ratify the Constitution of the United States until November 21, 1789, the State had no representation until the second of the three sessions of the first Congress. John Steele took his seat on April 19, 1790. His colleagues in this Congress were John Sevier, Timothy Bloodworth, John B. Ashe, and Hugh Williamson, the last a Federalist. Both the Senators from North Carolina, Samuel Johnston and Benjamin Hawkins, were Federalists.

in indorsement of Hamilton, being supported by Williamson and opposed by Ashe and Macon. In recognition of the legal insight of Steele, he was appointed, along with Gerry and Williamson, to bring in a bill to adapt to the State of North Carolina the judiciary laws of the United States.

It was principally through the instrumentality of John Steele and Judge Spruce Macay, the Mayor of the town, that President Washington, on his tour of the South in 1791, was so elaborately greeted and hospitably entertained by the municipality of Salisbury. In his diary, May 30, 1791, Washington records: "In about 10 miles at the line which divides Mecklenburg from Rowan Counties, I met a party of horse belonging to the latter, who came from Salisbury to escort me on. . . . I was also met 5 miles from Salisbury by the Mayor of the Corporation, Judge McKay, and many others;—Mr. Steele, Representative for the District, was so polite as to come all the way to Charlotte to meet me. . . . Dined at a public dinner given by the Citizens of Salisbury; & in the afternoon drank tea at the same place with about 20 ladies, who had been assembled for the occasion." In his address of welcome, the Mayor voiced the delight of the inhabitants in Washington's visit and instanced "the fervor of the universal welcome which the grateful people gave him." Washington's reply, which expressed by indirection his satisfaction over the action of the people of the Salisbury district in sending Steele, a Federalist, to the first United States Congress, contains these words: "The interest you are pleased to take in my personal welfare excites a sensibility proportional to your goodness. While I make the most grateful acknowledgment for that goodness, allow me to observe that your own determination, coöperating with that of your fellow-citizens throughout the Union, to maintain and perpetuate the federal government, affords a better assurance of order and public prosperity, than the best meant endeavors of any individual could give."

The following letter, which Steele wrote to Governor Alexander Martin (New York, May 17, 1790), during the session

of the first Congress, is interesting as throwing light upon important political questions of the day:

SIR:—A great variety of business at present occupies the attention of Congress, and tho the sessions commenced with the year, there is little probability of adjourning previous to the 1st of August.

The President is dangerously ill of a pectoral complaint, the opinion of the faculty is against a recovery. Before this attack he was engaged in extending his appointments to the several departments of No. Carolina and the ceded Territory, but the secrets of his cabinet are retained in such absolute darkness, that were I to attempt to give you information, it would be mere conjecture. If this stroke should unfortunately prove fatal, the Vice President will be in office, by virtue of his present appointment, until the 4th of March, 1793. An event melancholy indeed. Shou'd it happen, perhaps it wou'd have been better for the United States, that Gen'l Washington had never been chosen; for relying on his virtue and abilities, Congress have in repeated instances, by law, invested him with powers not delegated by the Constitution, which I suppose would have been intrusted to no other man. These powers can never be recalled without the consent of his successor in office, or an union of sentiment, which in these factious times, is not to be expected.

The assumption of the State debts, we are told, will be brought forward next week in a new dress. This is intended, either to gull some of the more moderate members; or by delaying the progress of public business constrain some of the Georgians or No. Carolinians (who are anxious to return) to obtain leave of absence. Or the Eastern members have been tampering with the Pennsylvanians, by offering the permanent residence of Congress to Philadelphia. This surmise I have taken occasion to speak of to those who are most zealously attached to the interest of that city, holding out as a threat that if they did desert us, we shou'd most assuredly desert them; so that eventually Philadelphia might lose more by the bargain than she would gain.

A bill has lately been passed by the Senate, and sent to us for concurrence, designed to prohibit any further intercourse with Rhode Island, until she shall ratify. It is tyrannical and arbitrary in the highest degree, and the author of it, indeed the Senate by passing it, seem to have lost sight of that political connection which once existed, and of that spirit of moderation, and mutual forbearance, which ought forever to subsist between governments related as they are to us, as well as between individuals. That State, tho' comparatively small, was not backward in the late Revolution. She performed essential services in the common cause. She sustained important sacrifices, and is therefore entitled to respect. How far in her present politicks she has been wrong, or how far right, are questions which time only can decide.

I hope the bill will not pass our house. If it shou'd, there will be a proof given to the world, of the sandy foundation of all human friendship, or political connections.

I have the honor to be,

Sir,

With sincere attachment,

Your Excellency's

Most Humble Servant,

JNO. STEELE.

As an evidence of the popular appreciation in which his services in the first Congress were held, may be read today the following account in the *North Carolina Chronicle*; or, *Fayetteville Gazette*, of November 8, 1790:

On the last day of the supreme court at Salisbury, the grand jury appointed their foreman, William Dent, esquire, Major John Crump and Major Henry Terrell, a committee to wait upon John Steele, esquire, with the following address:

SALISBURY DISTRICT, SUPERIOR COURT,
September Term, 1790.

The grand jury for the district aforesaid, sensibly, and deeply impressed with the importance of the duties of their representatives in the congress of the United States, return their thanks to the honourable John Steele, esquire, for his spirited support, and faithful attention, to the interests of this state, during the last session of congress.

The grand jury would conceive themselves wanting in attention to the proper interests of the government in general, and this State in particular, should they withhold this testimonial of their approbation of Mr. Steele's conduct, as the representative of a free people.

WILLIAM DENT, *foreman*.

JOHN CRUMP.

HARRY TERRELL.

JOEL LEWIS.

WILLIAM BETHELL.

THOMAS KING.

JAMES COTTON.

JOHN HOWEY.

WILLIAM KINDALL.

ZACHARIAH RAY.

JACOB T. LONGINO.

WALTER BRALEY.

CHARLES POLK.

OBEDIAH W. BENGE.

JOSEPH HAYDEN.

JACOB CLINARD.

JOHN (illegible).

JAMES ADAMS.²

During his two terms in Congress, Steele took an active part in debate. Upon the question of the ratio of representa-

² For this account I am indebted to the courtesy of Mr. R. D. W. Connor, Secretary of the North Carolina Historical Commission.

tion, he made extended speeches, advocating one Representative for every thirty-five thousand persons; and pleaded for a recognition of the lessons taught by experience in America, rather than the following of precedents from Great Britain, which did not properly apply to American conditions. He spoke in favor of Nathaniel Macon's plan for protecting the "infant industry" of cotton raising; and in view of the fact that this "infant industry" was one day to become the greatest industry in America, it is interesting to recall Steele's declaration that at this early date "the farmers of North Carolina had gone largely into the cultivation of that article."

Not given by disposition to indulgence in oratorical flights, or perfervid declarations that he was a champion of the "Liberties of the People," Steele showed himself to be singularly fairminded and impartial. He was an independent in politics at the moment when political parties were just beginning to assume definite confrontation. A striking illustration of his independence and his transparent honesty is afforded in the case of his firm opposition to Clark's resolution for calling out the militia to protect the Southwestern frontiers. Familiar with conditions on the Indian border, Steele did not hesitate to tell the truth, espousing the unpopular side without regard for the effect such action might have upon his own political fortunes. His subsequent defeat for a third term in Congress was probably due to the speech in which the following veracious though unpopular assertion was made:

That the white people are sometimes and often the aggressors (in conflicts between the whites and the Indians on the frontier) did appear from documents then on the files, that some such instances had come within my own knowledge, and as the information then to be acted upon only came from one of the parties, a recollection of what human nature is under the influence of passion, should cause the house to receive it with caution.

On December 19, 1792, Steele introduced a resolution for reducing the military establishment of the United States, assigning two motives for his action: to afford more effectual protection to the frontiers; and to obviate the necessity for

new taxes. On December 28, 1792, and on January 5, 1793, he made able and extended speeches in advocacy of his resolution. Drawing illustrations from flagrant instances of the failure of army regulars, who were only mechanical in their discipline, to cope successfully with Indian tactics, Steele eloquently asserted the superiority of the frontiersmen as militia in engaging and conquering the savage foe. Worthy of record is his tribute to the militia, and in especial to the great Indian fighters of the Old Southwest:

Who fought the battle of Bunker Hill? Who fought the battles of New Jersey? Who have fought the Indians so often with success, under Generals Wilkinson, Scott, Sevier, and others? Who marched in 1776 under General Rutherford, through the Cherokee nation, laid waste their country, and forced them to peace? Who fought the battles of Georgia, under Clark and Twiggs? Who fought the battles of South Carolina, under the command of an honorable member now present?

Who fought the ever-memorable battles of Cowpens, Kings Mountain, Hanging Rock, Blackstocks, the pivots on which the Revolution turned in the Southern States? In short, who fought all the battles of the Southern States, while we had a mere handful of regular troops, scarcely the shadow, much less the reality of an army?

They were all fought by freemen, the substantial freeholders of the country; the men attached to the Revolution from principle; men who were sensible of their rights and fought for them.

III

While the North Carolina representatives were unanimous on the motion to reduce the army, as amended by Williamson, and in opposition to extending the Indian war, Steele's advocacy of these measures was adduced against him to his damage by political opponents in proof of his alleged lack of sympathy with the people of the West and indifference to the sufferings of the borderers at the hands of the Indians. During his stay in Congress, he wrote numerous political letters to leading men of his district, irrespective of party; and transmitted a wealth of information on national affairs to his constituents through the medium of Dr. John Sibley, editor of the *Fayetteville Gazette*. In answer to the charge of having been independent in politics, Steele vigorously

retorted: "I represented the division, and was not elected by or for any particular party. Being the representative of all, I attempted to give information to all . . ." In the days of his congressional service in Philadelphia, Steele became a close friend of Alexander Hamilton; and through this connection, his acquaintance with Washington, by whom he was held in high regard, and the bent of his own political ideas and convictions, he gradually became more deeply imbued with Federalist principles. His correspondence with Hamilton is rich in historical interest; and the following extract from one of his letters (Steele to Hamilton, Salisbury, March 17, 1793) is illuminating:

To support a constitution which has cost the best people in the Union so much pains to establish, to counteract the nefarious designs of its enemies, and to rally round the Federal government as a Standard where our most precious liberties are well secured, is the duty of men who possess talents, property, reputation, or influence. Of this, if ever I doubted, my doubts have been removed by late political occurrences, none of which are more alarming to the friends of systematic and stable government, than the unwise, indecent, and poisonous opposition, to the declaration of neutrality. The decided and patriotic part which the President took on that subject, has raised him some enemies here, as well as in Philada.; but it has increased the veneration and love of all the *sober-minded well-wishers* of national prosperity.

Our state elections are over. I have accepted a seat in the Assembly. Colo. Davie, whom you have often heard me speak of, is also in, and if there can be a necessity for such a measure, I am sure the Legislature wou'd express in decided terms an approbation of the wisdom which dictated that Proclamation. Though I am sure that success wou'd attend such a motion through both houses, yet I cannot help questioning the propriety of an individual state interfering at all, either to approve or censure the administration of the general Government.

No step shall be taken in relation to it without due deliberation, and advice wou'd not be unacceptable. Neutrality is the wish of every good man in this State who has sense enough to know his country's *solid interest*, and the president may be assured of this, without our troubling him to answer a profusion of addresses.

IV

In a letter to the Grand Jury of Salisbury in 1792, Steele gave an account of his stewardship in Congress, and expressed his intention of permitting his name to be presented before the Legislature as a candidate for the United States Senate. At the session of the Legislature at New Bern in November and December, 1792, he was a prominent candidate for Senator, along with William Blount and Alexander Martin. Largely as the result of violently partisan accusations by Montford Stokes, to the effect that Steele had fashioned his views "on the political complection of his correspondents," that his principles were "all aristocratical," and that he was the devoted adherent of Alexander Hamilton, Steele was defeated—Martin winning the seat by a small majority.

In 1795, Steele was put forward as the candidate of the Federalist party for United States Senator. His Republican opponent was Timothy Bloodworth. It was locally urged against Steele by leading opponents, in especial by Joseph McDowell of Quaker Meadows, that he "was considered by a great many members from the Southern States . . . to have joined the aristocratical party" and to have become an ardent adherent of Alexander Hamilton. In addition to this local opposition, outside influence, notably that of Pierce Butler of South Carolina, was brought to bear against Steele in question of his "steady Republicanism." Much to the chagrin of the Federalist leaders, who had a poor opinion of Bloodworth's ability, Steele was defeated in consequence of the charges so dexterously advanced by his opponents. During this period, Steele remained prominently in the public eye. On January 8, 1794, he was appointed, by Governor Richard Dobbs Spaight, Major General of the Fourth Division of Militia of North Carolina. In 1794 and 1795, he represented the Salisbury District in the North Carolina House of Commons, and played an influential part in the proceedings.

Thomas Benbury—A Brigadier General of the American Revolution

BY EMILY RYAN BENBURY HAYWOOD

(MRS. HUBERT HAYWOOD)

Thomas Benbury was born in 1736, at his father's home, "Banbury Hall," five miles from Edenton on the Albemarle Sound. He was the son of John Benbury, born 1707, died 1774, his wife's name being Mary. He was a member of the court in 1756, and also a vestryman of St. Paul's Parish, Edenton.

The grandson of William Banbury, who married Jean or Jane Minsey, and is first mentioned in the court records of Chowan County in 1684, when he had a deed recorded as a gift from his mother-in-law, Mrs. Dorothy Minsey, at which time he was said to be twenty-one years old. This was about twenty-five years after the first permanent settlement of North Carolina. He was a member of the first vestry of the Church of England ever held in North Carolina, which was that of St. Paul's Parish, Edenton, on which he served continuously until 1708, and was also a member of the first vestry in North Carolina, that of 1705, which ever voluntarily assessed itself for the benefit of the Church.

Tradition says that the family of Banbury, as it was originally called, settled first on the James River, later moving to Nansemond County, Va.; finally migrating to Albemarle, in the Province of Carolina, as this whole section was then known. The supposition is that the family originally emigrated from in, or near, the town of Banbury, in England, which is only a short distance from London and the town of Oxford. Just when the final change in the name was made is not known, but it must have been during the life time of William, for in 1701, as a member of the vestry of St. Paul's Parish, it is written Banbury, but in his will he signs himself William Benbury, and, so far, there appears to have

been no further use of the original form. It was a common custom among the early Colonists to vary the spelling of a name. For more than a hundred years Banbury or Benbury Hall remained in the family, until finally in the course of time it passed into other hands, and its name was changed to "Athol," by which name it is now known. It is owned by Mr. Julian Wood, of Edenton, N. C., whose wife is the granddaughter, seventh in descent, from its original owner.

Thomas Benbury married Thamer Howcott in 1761, who lived only a few years, dying in 1765, leaving two children, Samuel, who died early, and Richard. In 1769 Thomas Benbury married Betty ----- for his second wife. She lived only a short while and left no children. As were his father and grandfather before him, he was a churchman and a vestryman of the Parish of St. Paul's, also a member of the Edenton Lodge of Masons. He was connected by ties of kinship and association with all the leading men of the State, and by his intimate friends was called "Old Tom." He was a zealous and active member of all public affairs, and as the people were growing restive under British rule and "Taxation without Representation" was growing to be an ever-increasing anxiety and cause of unrest among them, he became an early and ardent advocate of their cause and aligned himself with them at the earliest opportunity, and from that time until the final independence of the American Republic he was one of the most zealous and ardent of patriots.

In 1774, August 22, a call was issued by the freeholders of the Parish for a meeting to be held at the courthouse in Edenton, for the election of delegates to the first Provincial Congress, to be held in New Bern on the 25th of the same month in defiance of the royal authority. This meeting was well attended, and resolutions were passed expressing in no uncertain terms their indignation against the Government of Great Britain, the British Parliament, the imposition of taxes, duties, etc.

The Boston Port Bill was also denounced. The delegates appointed were Samuel Johnston, Thomas Oldham, Thomas Jones, Thomas Benbury, Thomas Hunter, and Joseph Hewes, all of whom attended.

At this Congress Thomas Benbury, Governor Johnston, and Joseph Hewes, were appointed from this district to present these resolutions to the General Congress in Philadelphia. Thomas Benbury was also a delegate to the other Provincial Congresses held in New Bern, Hillsboro, and Halifax. He was a member of the vestry which wrote and signed what was called the famous "Declaration of Independence" of St. Paul's Parish, Edenton, June 19, 1776, but which was afterwards said to be a copy of one prepared by the State Congress in 1775, though many have doubted this. The following is a copy, as it appears on the Church Register in Edenton:

ST. PAUL'S PARISH, 1776.

Be it remembered that the Freeholders of St. Paul's Parish, met the Sheriff at the Court house in Edenton, on Monday, the eighth of April, then and there pursuant to an Act of the Assembly, did elect the following persons to serve as Vestrymen for one year. (Agreeable to resolve of the Provincial Congress, held at Halifax on the second of April, and qualified agreeable thereto), Vizt, Thomas Bonner, William Boyd, Thomas Benbury, Jacob Hunter, John Beasley, William Bennett, William Roberts, Richard Hoskins, David Rice, Aaron Hill, Peletiah Walton, William Hinton.

We, the Subscribers professing our Allegiance to the King, and acknowledging the Constitutional executive power of the Government, do solemnly profess, testify and declare that we do absolutely believe that neither the Parliament of Great Britian, nor any member or Constituent Branch thereof, have a right to impose Taxes upon these Colonies, to regulate the internal Policy thereof, and all attempts by Fraud or Force to establish and exercise such Claims and Powers, are Violations of the Peace and Security of the People, and ought to be resisted to the utmost, and that the people of this province, singly and collectively, are bound by the Acts and Resolutions of the Continental and Provincial Congresses, because in both they are freely represented by persons chosen by themselves, and we do solemnly and sincerely promise and engage under the Sanction of Virtue, Honor and the Sacred Love of Liberty due our Country, to Maintain and support all and every, the Acts, Resolutions and Regulations, of the said Continental and Provincial Congresses to the

utmost of our power and ability. In Testimony whereof we have hereto set our hand this 19th day of June, 1776.

RICHARD HOSKINS.

DAVID RICE.

AARON HILL.

PELETIAH WALTON.

WILLIAM HINTON.

THOS. BONNER.

WILLIAM BOYD.

THOMAS BENBURY.

JACOB HUNTER.

JOHN BEASLEY.

WILLIAM BENNETT.

WILLIAM ROBERTS.

In 1778, we find him acting with a friend, Rob Smith, in the capacity of agent for the State, in the reception of some cannon which had been ordered from France by the General Government, at the request of the two States, Virginia and North Carolina; though judging from the interesting correspondence which follows, Mr. Benbury and Mr. Smith acted first, and sought permission of the Governor afterwards. The two cannon, now mounted and placed on either side of the Washington Monument in the southern end of the Capitol Square in Raleigh, are a part of that consignment. The correspondence between Governor Caswell, Thomas Benbury and Rob Smith relative to the same, found among the letters taken from the Governor's letter book and published in the Colonial Records, will prove interesting:

EDENTON, 19th November, 1778.

Captain Berritz of the ship named the "Heart of Jesus," arrived here some time in the month of July last. On his arrival, he wrote a certain Mr. Holton, he says, indeed we know he did. He likewise wrote to Congress what he should do with the cannon he had on board, say twenty eight 24 pounders, to which he never received any answer; but about a month ago, a gentleman from Virginia produced an order for one half, or twenty two of the cannon, for that State, and at the same time exhibited an extract of a Resolve of Congress, by which it appears the contract for the cannon had been applied for by the delegates of the two states, Carolina and Virginia, and was granted. The State of Virginia are to have twenty two of the cannon, and our State Twenty-three. The contract made by the Agents in France is to pay 150 lbs. of tobacco, for

every 100 lbs of iron cannon, for the credit of the State, we have thought it our duty to receive the cannon. The Captain proceeds with the other two and twenty that is ordered to South Quay, where the tobacco is ready for him, for the Virginia half or share. We wish to know if we have acted right in what we have done (we have told your Excellency our motives). What should be done with the cannon, and to know what way the Captain can be paid the tobacco. His time has been some time out, and he will lay after his return from South Quay, at the demurrage, we believe of 50 lbs per day. We hope we will be excused for the freedom we have taken, and are with every sentiment of respect and regard and esteem,

Your Excellency's mo' ob'. and very humb. srvts,

ROB SMITH.

THOS. BENBURY.

In reply is an order from Governor R. Caswell to Robert Smith, Esquire, Kinston, 3d of December, 1778:

SIR: Please to deliver Captain Willis Wilson eight 18 pounders for the use of Fort Hancock, and if there are any among the guns purchased for the State and received by you and Mr. Benbury, any which will suit his ship, please also deliver them. I have not yet been favored with the account of the weight of the Guns, or any of your favors, since the return of your Express respecting the cannon,

I am, sir,

Your most obedient servant,

R. CASWELL.

Judge Clark, in the Colonial Records, says:

The ship referred to was the Caswell, Captain, John Easton. She was ordered to proceed immediately to Ocracoke. "You are to receive from Mr. Robert Smith eight 18 pounders, lately imported there from France, and received by Messrs. Smith and Benbury for the use of this State. If there are any other Guns in Mr. Smith's possession that will be useful in your ship, apply to him and he will deliver them," etc., and this letter from Thomas Benbury and Robert Smith to Gov. Caswell, in reply, dated Edenton, 10th of December, 1778:

SIR: We received yours of the 24th November. The reason of your not hearing from us before is explained in Mr. Smith's letter. Captain Barrets proceeding to South Quay with his vessel left us no Invoice of the Cannon left here. We have examined the Cannon, but from the Swedish marks we cannot determine the quantity of Tobacco that the State will have to pay, but as near as we can guess, we have to pay from one hundred and sixty thousand weight of tobacco. As to that part of your Excellency's letter relative to

purchasing Tobacco, we can only answer that we can purchase none here, but as the meeting of the General Assembly is near at hand, we doubt not but they will be able to remove every difficulty, and prevent the demurrage, if any, from being considerable against this State. The cannon shall be delivered as your Excellency ordered, and your commands in every other respect concerning them shall be faithfully obeyed.

We are with respect, sir,

Your Mo. ob. humbl Srvts.,

THOS. BENBURY.

ROB. SMITH.

Thomas Benbury was a member of all the Provincial Congresses and Speaker of the House of Representatives from 1778 to 1782. He was a member of the Edenton District Committee of Safety, Major of State Troops, and Paymaster of the Fifth Regiment and Commissary General. In 1779 he was made Brigadier-General, and it is said that he took part in the Battle of Great Bridge. These were very trying times to the colonists, and the following letters also from the Colonial Records, reflect in part, at least, a portion of their anxieties, and are therefore worthy of being reproduced.

The first is from Colonel Alexander Martin and Thomas Benbury to Governor Nash:

HILLSBOROUGH, August 23rd, 1780.

To his Excellency ABNER NASH, Esquire, Captain General, Governor, etc., etc.

SIR: In answer to your Excellency's message of this Day. We, the members Convened, beg leave to hint to your Excellency as our private Sentiments the following Important Objects First, That we advise your Excellency to call out from such Districts and Counties such a Body of the Militia, not exceeding one half to be proportioned as you think necessary, and that they march immediately, by the shortest and most convenient route to join Gen'l Caswell, or to any other post you shall please to appoint, their serving three months, to commence from their rendezvous at Headquarters, or such post as may be Directed, unless sooner disbanded, shall be recommended to the General Assembly as a Tour of Duty.

We further advise your Excellency to order the Commanding Officers of the several Counties, out of which you may order the Militia, to appoint Contractors or Commissioners to provide provisions, spirits, and other necessities for the use of the Militia to be called into Service, and the members here present engage their Faith

and Honor, to use their Influence in the General Assembly that an adequate, full and ample satisfaction be made for the same, and that Col. Long be directed to immediately purchase, or in case of refusal, to impress all the Iron pots and Kettles now at Wilcox's Iron Works and forward them immediately to Camp.

That your Excellency be requested to issue a Proclamation requiring all Deserters and Refugees belonging to this State, to repair to Headquarters, and that the Commanding Officers of the respective Counties, exert themselves in carrying the purport of such proclamation into Effect, in apprehending and forwarding such persons immediately to Headquarters.

We shall continue a few days at this place, for the purpose of forming an Assembly, in which Time we will gladly and cheerfully advise your Excellency, in any matter that may tend to the Defense of the State.

In the present Critical Conjunction, we submit to your Excellency's prudence, all other matters respecting the Defense of this State. By order and in behalf of the members present,

ALEX MARTIN.

THOMAS BENBURY.

Again we find in the Colonial Records, this correspondence from Thomas Benbury to Governor Nash, in which he signs himself in his official capacity as Brigadier-General:

EDENTON, 22nd October, 1780.

To His Excellency, ABNER NASH,

New Bern, N. C.

SIR: I have at this moment received information that the Enemy are landing forces at Kemps Landing in Virginia. I have in consequence of this information sent an Express in order to learn their movements. I have also dispatched letters to the different Colos. in my district, requiring them to have their regiments equipped in the best manner they can, and to hold themselves to march on the shortest notice. I have likewise written to Col. Long for one thousand stand of arms, if to be spared, we not having one Hundred good Muskets in the district. I hope all this will meet your Excellency's approbation and that you will direct how I am further to proceed. My information says there are sixty Sail of vessels, but the number of troops not known.

I am to inform your Excellency that last Monday, two large Gallies, with sliding Gunter mast, as was judged, about sixty men in each, came over Roanoke Bar, and went through the marshes. On receiving this information, the town of Edenton sent out a Boat to reconnoitre, which is not returned. The town have been under an alarm ever since this information came up. We this moment learn

that firing was heard last night, the occasion of which we know not, but Conjecture it to be some of the homeward bound vessels, who have fallen in with these Gallies. I shall keep your Excellency informed from time to time of what happens in this quarter.

I have the Honor to be, Sir,

Your most obedt and very humble Servt.,

THOS. BENBURY,—B. G. P. I.

Again in a few days this letter follows:

EDENTON, 30th October, 1780.

To Governor ABNER NASH,

SIR: I have this moment by the return of one of my Expresses received a Letter from Colo. Senf, a copy of which I take the liberty to inclose. You will see by that letter we are in a fair way to be overrun by the Enemy. This morning I was informed by express that three hundred last evening of the Enemy had marched for South Quay and that one thousand were under march for this place from Suffolk. We have made a stand at Norfleet's Mill, about thirty five miles from this place, with the few Militia that will turn out, but I am sorry to say, I never saw, or expected to see men so backward, they seem ready made slaves. The town turn out pretty well, but they are worn out, they expect all to be ruined. I left camp this morning, and am this moment to set out on my return. For God's sake, for the sake of that Liberty we are contending for, give us every aid you can.

I have the Honour to be,

Your Excellency's Most Obedt Servt.,

THOMAS BENBURY, B. G.

With the close of his services as Representative to the General Assembly in 1782, General Benbury was succeeded in 1783 by his son Richard, while he took a much needed rest and enjoyed the quietude of his home for a few years, until 1790, when he was appointed Collector and Inspector of the Port of Edenton by General George Washington, who was then President. This was at that time a position of great importance, though today it hardly seems possible. This position he held until his death February 5, 1793, in the fifty-seventh year of his age, leaving one child, his son Richard. He left a large estate and was the owner of a number of slaves, as we learn from the first census of the Government, taken in 1790, in which he is registered from the Edenton

District as the head of a family and the owner of eighty-eight slaves. His burial place is not known, but is supposed to be at "Banbury Hall" where a portion of the old graveyard is still preserved.

Several of these commissions, signed by Washington, and countersigned by Thomas Jefferson, also an autograph letter from Alexander Hamilton, informing him of the appointment, are still preserved by the family.

With the story of patriots such as Thomas Benbury—and there were many others—it would be disloyalty if we of later generations did not give to North Carolina "Our hearts' utmost devotion," as Judge Gaston wrote in his beautiful hymn to our State, and unite with him in saying:

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

Bibliography—Family Bibles, Wills, Letters and Traditions; Church Register of St. Paul's Parish, Edenton; Court Records; Colonial Records; Wheeler's History of North Carolina; Hathaway's Historical and Genealogical Register; Marshall Delancey Haywood; Church History of North Carolina; Government Census of 1790.

The Trial of Henry Wirz

BY SARAH W. ASHE

[Recently the fact that Henry Wirz was tried by a court-martial—or rather by a commission of military officers—and put to death for alleged cruelties to Federal prisoners confined at Andersonville, has been given prominence, and he has been held up as one who perpetrated outrages against the rules of civilized warfare and in disregard of the dictates of humanity. Because of the revival of that slander on him that likewise involves the fair name of the Confederate Government and of the people of the South, we devote space at this time to a true statement of the matters connected with his trial.—EDITOR.]

In the fall of 1865, several months after the overthrow of the Confederacy, there took place in Washington City two judicial murders, which will ever stain the annals of the conquering states—that of Mrs. Surratt, hung for complicity in the assassination of Lincoln, and that of Henry Wirz—a physician and man of high character—who, six months after the war was ended, was tried by court-martial, convicted and hanged on the charge of having conspired with Jefferson Davis and other Confederate leaders to torture and murder prisoners under his care.

The innocence of Mrs. Surratt has been fully shown in the account of her trial written by her lawyer, the Hon. Reverdy Johnson of Maryland; but the facts in regard to Wirz are not generally known.

When in the shadow of death Captain Wirz was offered life if he would implicate Jefferson Davis in these alleged atrocities. He preferred death to a life won by such means, and died pleading that his name be rescued from infamy.

The highest officers of the Confederacy were indicted with him; and through them, the Southern Confederacy. As a sacred duty to itself, therefore, the South should bear always in mind the truth concerning the trial and death of the martyred Wirz—a stranger in our land—who threw in his lot with us, served the Confederacy faithfully, and paid for his fidelity with his life.

That there should have been any suffering among prisoners on either side during the war must ever be deplored; that there should have been any prisoners to suffer is entirely due to the war policy of the North.

The conduct of the Confederate Government towards its prisoners is above reproach and was ordered by the truest feelings of humanity. Its policy was fixed by law. By act of Congress passed at the beginning of the war, it was provided that prisoners of war should have the same rations, in quality and quantity, as Confederate soldiers in the field. By an act passed afterwards, all hospitals for sick and wounded prisoners were put on the same footing with hospitals for sick and wounded Confederates. This policy was never changed. Whatever food or fare the Confederate soldiers had, whether good or bad, full or short, the Federal prisoners shared equally with them.

Although deprived of medicines through the policy of the Federal Government, and with but a scant supply of provisions and clothing, her ports blockaded and her resources exhausted, the prison records of the South were better than those of the North. The death rate in Southern prisons was less than nine per cent; that in Northern prisons was twelve per cent. And, great as was the mortality at Andersonville, it was four per cent less than at the Federal prison of Rock Island, Illinois, notwithstanding the fact that the Northern authorities had abundant means of alleviating the sufferings of their unfortunate prisoners. From the first the South desired an exchange of prisoners. The Federal Government, on the other hand, affected to consider the secession a rebellion, upholders of the Confederacy as rebels and traitors, her men-of-war piratical vessels, and her sailors pirates, and, as such, the latter, when captured, were loaded with irons and condemned to be hanged. Only by the protests of European governments and threats of retaliation by the Confederate Government was it deterred from its proposed course.

While in 1862 a cartel was arranged, by which all pris-

oners were to be exchanged man for man, and the excess on either side paroled, by which all prisoners would have been released—after the battle of Gettysburg, when the North held the majority of prisoners, this was discontinued. From this time it became the fixed policy of the Federal authorities to make no exchanges.

“If we begin a system of exchange,” wrote General Grant, “which liberates all prisoners taken, we will have to fight on until the whole South is exterminated.”

In the spring of 1864 the Confederate Government found itself, in consequence of this policy of nonexchange, overburdened with prisoners, and established a large camp for them at Andersonville, Georgia, a spot selected on account of the mildness of climate, abundance of water, and the absence of malarial conditions.

Every provision possible was made for the health of the inmates. The law requiring prisoners and guards in all southern prisons to fare in food alike was rigidly observed, the rations issued daily being the same in quantity and quality as those issued to our soldiers in the field. They consisted principally of corn meal and beef or bacon, the only food obtainable at the South at that time. This food, even at best, was unpalatable to men who had never used corn meal in any form before, and diarrhea, the usual result of its use by those unaccustomed to it, was produced. This disease, hard to arrest at best, became unmanageable for want of proper remedies, and the sufferers fell easy victims to more serious troubles—camp gangrene and scurvy. These diseases attacked guards and prisoners alike—the officers, Wirz, Winder, Colonel Gibbs, and Dr. Stephenson, all having gangrene. To cope with these diseases medicines were necessary, and the Union Government had made medicines contraband of war. Medical stores, even when the private property of physicians, were destroyed in conquered sections, and persons attempting to send medicines South were arrested and cast into prison, and we pleaded in vain to be permitted to buy them with gold or cotton.

All that humanity could suggest was done. Wheat, sugar, coffee, and other luxuries, when obtainable, were provided for the use of the sick, and well prisoners were billeted on the families near Andersonville, where they would be in less danger of contagion.

The Confederate War Department took steps for a thorough inspection of the camp. All well prisoners were removed to other places and by September only the sick were left at Andersonville. By this time the virulence of the diseases had begun to abate, the death rate having been greatest during August.

In charge of this hospital was Dr. R. R. Stephenson, surgeon in chief, with a staff of thirty assistants. Colonel Gibbs was commandant of the post, and Capt. Henry Wirz had charge of the prison proper.

Henry Wirz, the officer in charge of the Andersonville prison, was a physician by profession, and was born in Zurich, Switzerland, in 1822. He emigrated to America in 1849, and first settled in Louisville, Kentucky, removing subsequently to Louisiana, where he practiced his profession until the beginning of the war between the States. When the war broke out he was one of the first to enlist in the Southern cause. He served as a private in the memorable battle of Manassas, where he received a wound in the arm, injuring the bone, from which he suffered up to the day of his execution. After leaving the hospital in Richmond he was placed as a clerk in Libby Prison. Afterwards he was commissioned as captain in the Confederate Army, and was appointed deputy marshal, and in 1862 he visited all the prisons in the South as inspecting officer.

The high esteem in which he was held at Richmond is evidenced by the fact that he was appointed in the latter part of 1863 by President Davis to carry secret dispatches to the Confederate Commissioners—Mr. Mason in England and Mr. Slidell in France—and to all the financial agents of the Confederate Government in Europe. On his return, in

January, 1864, he was assigned to duty under Brig.-Gen. John H. Winder, who, on April 4, 1864, placed him as superintendent of the Confederate States military prison at Andersonville, Georgia, where he was still on duty at the close of the war.

A man of tried integrity and much experience in prison work, he was well fitted for a position of such responsibility. Indeed, he was appointed to that post on account of the efficiency shown while engaged in like work at Richmond.

He had been from the opening of the war a loyal subject to the land of his adoption, and had from the first been called to positions of trust and high honor, requiring delicacy in handling, to which he was particularly adapted by reason of his foreign birth, high character and other qualifications, and in all of these he had served satisfactorily.

In his private life Captain Wirz is described as being an affectionate husband and father, and the kindest of men, one careful of the comforts of his servants and of the animals about him, and so solicitous about the welfare of the prisoners in his charge that he often deprived his children of their daily cup of milk—one of their few luxuries—for the benefit of the sick in the hospital.

Colonel Hammond, one of the prison inspectors sent to Andersonville, made a special study of its commandant, Captain Wirz, and leaves us this description of him:

Major Wirz was at this time about forty years of age, and was a trained soldier; a little below medium height, slight of figure and lean almost to emaciation, with dark hair and brown eyes; direct in manner and expression, and active and alert in movement. He impressed me as one peculiarly fitted for the details of military administration and control. His right arm had been mutilated near the wrist, caused by a fragment of a shell in an engagement near Baton Rouge, Louisiana, incapacitating him for active field service. He was at my side during my visits to the sick and dying in the hospital and while passing among the scarcely less wretched inmates of the stockade. At night he went over the prison records with me, explaining minutely the needs and deficiencies of each department, and when I was on the point of leaving Andersonville he implored

me, with tears streaming from his eyes, to urge upon the authorities at Richmond the absolute necessity for more and better food for the prisoners, for medicines, tents and lumber, and recommended that I should advise that they should send as many of the prisoners as could be furnished with transportation to Richmond or Savannah, and there turn them over unconditionally to the Federal authorities.

Colonel Hammond mentioned how Wirz passed, unarmed and unattended, with him through every part of the stockade, without receiving any unkind expression or threatening gesture; and, when questioned whether he had no fears for his personal safety, he replied: "They know I am doing my utmost for them."

As the war proceeded and the death struggle of the Confederacy grew more tense, the difficulty of holding and caring for the prisoners at Andersonville became, of course, much greater. Again and again Commissioner Ould proposed that each government should send its own surgeons to care for its own men, and that these surgeons should distribute such money, food and clothing as might be provided for them. No notice was taken of these propositions.

On the appearance of disease in Andersonville Commissioner Ould was directed again to urge the exchange of these prisoners, and to offer to buy medicines from the Federal authorities exclusively for their use, making offer to pay cotton, gold or tobacco for them, and even two or three times the prices for them, if desired, agreeing also that these might be brought into the prisons by the United States surgeons themselves and distributed by them. No method was left untried to induce the Federals to accede to an exchange. Commissioners were sent; Lee and Vice President Stephens interceded. By advice of the prison officials the prisoners themselves memorialized the Federal Government, praying to be released—all without effect.

In the meantime some of the prisoners at Andersonville had been sent to Washington to plead their own cause. It was of no avail. President Lincoln refused to see them, and they were made to understand that the interest of the Gov-

ernment required that they should return to prison and remain there.

Offer was now made to release all these prisoners without any equivalent if the Federal authorities would receive them. In August the whole body of men, 6,000 in number, at Andersonville was offered without any equivalent, and they were delivered to the Federal commander in Florida, who declined to receive them, and so they had to be brought back to their prison camp.

To turn the attention of the northern people from this war policy the accusation of deliberate cruelty was brought against the South. At the end of the war, therefore, feeling against the South was very bitter, and to satisfy this demand for vengeance a victim was needed.

In direct violation of the terms of Johnston's surrender, Captain Wirz, a paroled Confederate officer, who, assured of safety, lay at home sick and suffering from an unhealed wound, was arrested, separated from his wife and children, whom he never saw again, and hurried to Washington City, where he was confined in the Old Capitol Prison:

After several months spent in arranging the court-martial and finding witnesses, Captain Wirz was arraigned on two charges: conspiracy and murder. Indicted with him as co-conspirators, in a plot to torture and murder prisoners of war, were Robert E. Lee, Jefferson Davis, Seddon and others, all of whose names, except that of Lee, appear on the findings of the court.

Arrangements having been completed, on August 23d the following order was issued:

SPECIAL ORDER No. 453.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,

WASHINGTON, August 23, 1865.

A special military commission is hereby appointed, to meet in this city at 11 o'clock a.m., on the 23d day of August, 1865, or as soon thereafter as practicable, for the trial of Henry Wirz and such other prisoners as may be brought before it.

DETAIL FOR COMMISSION.

Maj.-Gen. L. Wallace, U. S. Volunteers.

Brevet Maj.-Gen. G. Mott, U. S. Volunteers.

Brevet Brig.-Gen. John T. Ballier, Colonel Ninety-eighth Volunteers.

Brig.-Gen. Francis Fessenden, U. S. Volunteers.

Brevet Brig.-Gen. G. W. Geary, U. S. Volunteers.

Brevet Gen. L. Thomas, Adjutant-General U. S. A.

Brig.-Gen. E. S. Bragg, U. S. Volunteers.

Brevet Col. T. Allcock, Lieutenant-Colonel Fourth New York Volunteers.

Lieut.-Col. I. H. Stibbs, Twelfth Iowa Volunteers.

The commission will sit without regard to hours.

BY ORDER OF THE PRESIDENT OF THE UNITED STATES.

Before the military commission thus convened in violation of the Constitution, which requires that every man held for a capital offense be tried before a jury and after presentment by a grand jury, Henry Wirz was tried on the charge as specified in the first Special Order, No. 524, of having conspired with Robert E. Lee, Jefferson Davis, James A. Seddon, Howell Cobb, John H. Winder and others, to torture, injure and murder the Federal prisoners held by the Confederates at Andersonville, Georgia. He was accused, under thirteen separate specifications, of shooting the prisoners, punishing them cruelly in irons and stocks, of poisoning them with impure vaccine matter, of pursuing them with bloodhounds, of using a dead line, of furnishing insufficient food and impure water, and of murdering, in cold blood and with his own hand, thirteen of these helpless men.

In answer to these charges Wirz put in pleas to the effect that he had been paroled by General Wilson; that he denied the jurisdiction of the court to try him; that, war being over and civil law restored, there was no military law under which he could be tried. He moved to quash the charges for vagueness as to time, place and manner of offense; that he had been put on trial on August 21st, and that the court had been adjourned without his agency or consent, and that he should not be arraigned as before; and, finally, he claimed discharge, because, as an officer in the Confederate Army, he was en-

titled to the terms agreed to between Generals Sherman and Johnston upon the surrender of the latter.

All these pleas being overruled except the second, the prisoner pleaded not guilty, and the trial proceeded until November 4, 1865, when, Wirz having been found guilty on all the specifications but three, the following order was issued:

GENERAL COURT-MARTIAL—ORDER NO. 607.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
WASHINGTON, D. C., Nov. 6, 1865.

Before a military commission which convened at Washington, D. C., August 23, 1865, pursuant to paragraph 3, Special Order No. 453, dated August 23, 1865, and paragraph 13, Special Order No. 524, August 22, 1865, War Department, Adjutant-General's Office, Washington, D. C., and of which Maj.-Gen. Lewis Wallace, U. S. Volunteers, is president, was arraigned and tried Henry Wirz.

Finding.—The commission, after having maturely considered the evidence adduced, find the accused guilty, as follows:

Of specification to charge 1, guilty, after amending said specification as follows: In this, that the said Henry Wirz did combine, confederate and conspire with them, the said Jefferson Davis, James A. Seddon, Howell Cobb, John H. Winder, Richard B. Winder, Isaiah H. White, W. S. Winder, S. Reed, R. R. Stephenson, S. P. Moore, ----- Keer (late hospital steward at Andersonville), James Duncan, Wesley W. Turner, Benjamin Harris, and others whose names are unknown, maliciously and traitorously and in violation of the laws of war, to impair and injure the health and to destroy the lives of a large number of Federal prisoners, to wit, 45,000 soldiers, etc.

In like manner the court-martial found Wirz guilty on all the principal specifications on which he was tried, two-thirds of the court concurring.

As the result of this trial Henry Wirz was, on November 6, 1865, sentenced to be hanged, and four days later, on Friday, November 10th, the sentence was carried into effect.

It will be noticed that, in both the charges and specifications and in the finding of this court, not Captain Wirz alone, but many of the most prominent officials of the Confederacy were included. Their fair name stands or falls with his.

Consider the language of Chipman, Judge Advocate, in summing up:

"Whilst the evidence adduced convicts Wirz of contributing directly to the death of over ten thousand Union soldiers, and, with his own hand and by his direct order, committing thirteen individual murders, the evidence also presents the horrible fact that he was but an instrument in the hand of Jefferson Davis, James A. Seddon and other prominent rebels, and, while Wirz suffered deservedly, there are those yet unpunished more richly deserving an ignominious death."

None of the others was ever brought to trial, though all could easily have been produced.

The court having been convened to convict, the ordinary forms of justice were dispensed with. All evidence against the defendant was received and that in his favor excluded. The defendant's counsel was denied access to records open to the counsel for the prosecution. Witnesses were intimidated, others forbidden to testify, and at the outset of the trial an important witness for the prisoner was arrested and sent to jail.

Men of high social standing from Georgia and other Southern States were subpœnaed by Wirz's counsel and went to Washington, ready and eager to testify to his character and humane conduct towards the Union prisoners, but were not allowed to do so.

The Confederate Commissioner of Exchange, General Ould, and the Federal Commissioner, General Mulford, were prepared to give evidence of the earnest desire of the Southern authorities for exchange of prisoners, but were not called upon.

On the trial the reports of Drs. White and Stephenson were suppressed, and garbled extracts from those of Dr. Jones and of others were used. The reports of Imboden and Hammond were taken from them and they were not permitted to testify.

As part of the defense it was intended to show the brutal treatment of prisoners in northern prisons, and that systematic cruelty was practiced for the purpose of forcing them to take the oath of allegiance. The names of witnesses by

whom it was intended to prove these things were handed to Mr. Baker, assistant counsel to Judge Advocate Chipman. None of these witnesses appeared; the subpoenas for them were never issued, having been suppressed by the Judge Advocate on the ground that "it was not proper that such testimony should see the light."

Chipman afterwards admitted that he refused to have subpoenas issued for some of the "rebel functionaries whose testimony was considered important to the defense." Among the men whose testimony was thus rejected was General Lee, whose simple word would have gone far to prove to the world the truth.

Still many of the prisoners desired to do him justice and would gladly have testified in his favor if permitted. A letter from one of these to the *New York News*, fully exonerating Wirz, may well stand as a type of evidence refused.

Of all the witnesses only fifteen could be brought to swear that Wirz was ever guilty of murder. It was proven that all of those swore falsely, some for money, some from malice, some from love of notoriety.

Of those men alleged to have been murdered, the names of very few were given, and not one man could be identified. Yet such testimony was received. Some swore to acts committed by Major Wirz at Andersonville when he was actually absent in Augusta on sick leave.

The chief witness, the man whose testimony was most relied on, a miserable, perjured wretch, received a Government appointment at the beginning of the trial in return for his evidence to come. He claimed to be a Frenchman, a kinsman of Lafayette. He proved to be a German deserter from a Federal regiment and probably never was at Andersonville at all. To such testimony did the unfortunate Wirz owe his death.

No crime was too horrible to be imputed to him; and the pictorial papers were ablaze with illustrations of his imagined atrocities. The South, impotent even to protest, looked on

in horror, while Wirz, conscious of having done only his duty as a humane officer and Christian gentleman, could find no words to express his amazement.

In Washington none dared to speak in his favor. His accusers were "patriots," his friends "traitors." So odious did those bent on his destruction make him that the consul-general from Switzerland refused to receive the money some offered for his aid, and the unhappy man was forced to ask assistance to meet the necessary expenses of the trial from the *New York News*. His lawyers at last resigned the case in despair of aiding him and unwilling to bear longer the odium attached to their position; and only one, the noble-hearted Louis Schade, remained faithful to him. He stood by him to the last, without expectation of reward or hope of saving him; and, two years after Wirz's death, when he thought the public mind might be calm enough to receive it, he published a letter, giving the most trustworthy account of the trial now in existence.

Captain Wirz, the man so foully calumniated, was in no conceivable manner responsible for the condition of things at Andersonville. A subaltern officer, placed as guard of a prison, he had no power to alter the existing conditions. The nature of the food, the number of inmates and the lack of comforts were as totally beyond his control as was the heat of the southern sun; and, far from being the fiend he was portrayed to be, the kindness and humanity of his nature are attested by all those who knew him. It is proved by the unimpeachable testimony of Dr. Stephenson, General Imboden, and others who were with him at Andersonville that he was always most solicitous for the welfare of the prisoners in his care; that he deeply deplored their sufferings and did all in his power to alleviate them. We find that, by letters and reports, he sought to bring the state of affairs at the camp to the notice of the proper authorities, suggesting and urging the trial of such remedies as occurred to him to be practicable. Except for about three weeks in August, 1864, when, gan-

grene having attacked an old wound in his arm, he was sent to Augusta by order of his physician, he was never absent from his post of duty, but was engaged day and night with the other faithful surgeons in attending to the needs of the sick and dying. Every prison inspector would have testified to these things had it been permitted.

Yet one last chance of life was to be offered Wirz. "On the night before the execution," says his lawyer, Louis Schade, "some parties came to the confessor of Wirz, Rev. Father Boyle, and also to me, one of them informing me that a high cabinet officer wished to assure Wirz that, if he would implicate Jefferson Davis with the atrocities committed at Andersonville, his sentence would be commuted. He requested me to inform Wirz of this. In the presence of Father Boyle, I told Wirz next morning what had happened. The Captain simply and quietly replied: 'Mr. Schade, you know that I have always told you that I do not know anything about Jefferson Davis. He had no connection with me as to what was done at Andersonville. If I knew anything of him I would not become a traitor against him, or anybody else, even to save my life.' With his wounded arm in a sling, the poor prisoner mounted, two hours later, the scaffold. His last words were that he died innocent. The 10th day of November, 1865, will, indeed, be a black stain upon the pages of American history. Not even a Christian burial of the remains of Captain Wirz was allowed by Secretary Stanton. They still lie side by side with those of another acknowledged victim of the military commission, the unfortunate Mrs. Surratt, in the yard of the former jail of this city."

Far from his native land and kindred, and apparently forsaken by the land of his adoption, surrounded by enemies whose every look spoke execration, Wirz lingered in prison alternating between hope and despair and hardly recognizing himself in the monster whose crimes were being blazoned to the world. His cup of woe was very full.

Near the end of his trial he wrote a letter of appeal to

President Johnson, in which his innocence of crime and his simplicity of soul speak for themselves. He protests his innocence. "I am charged with crimes so heinous," he says, "the mere thought of them makes me shudder. Truly when I pass in my mind over the testimony given I sometimes almost doubt my own existence. I doubt that I am the Captain Wirz spoken of. I doubt that such a man ever lived, such as he is said to be, and I am inclined to call upon the mountains to bury me and hide my shame. I have erred as all other human beings, but of those things of which I am accused I am not guilty."

No appeal could avail to save one doomed from the first to die—a vicarious sacrifice for the imputed crimes of the South.

Four days later Wirz was released from suffering, and he passed from the jurisdiction of an earthly tribunal, where malignity had usurped the place of justice, to that higher judgment seat, before which the unjust judge and the innocent victim must alike appear.

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Vol. XVIII

APRIL, 1919

No. 4

The North Carolina Booklet



GREAT EVENTS IN NORTH CAROLINA HISTORY



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CONTENTS

John Steele (concluded)	159
BY ARCHIBALD HENDERSON	
Life and Services of Colonel Jonas Johnston	178
BY KEMP DAVIS BATTLE	
A Composition by John Graham	188

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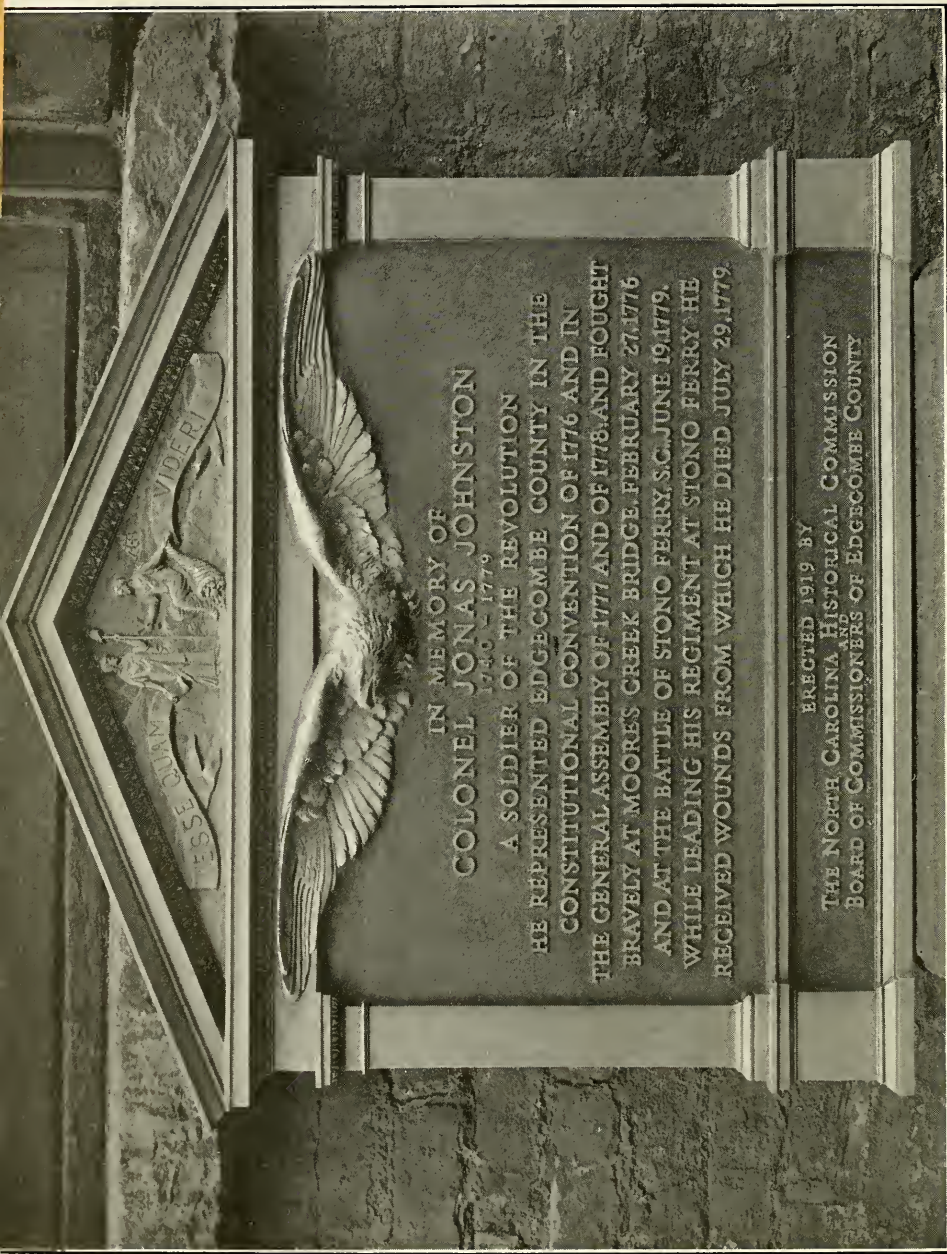
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Editor North Carolina Booklet,

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Tablet to Colonel Jonas Johnston in the courthouse at Tarborough, N. C. Unveiled by Miss Martina Carr, May 30, 1919.

The
NORTH CAROLINA BOOKLET

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

Published by
**THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION**

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REGENT 1902 :

MRS. D. H. HILL, Sr.†

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MRS. THOMAS K. BRUNER.

REGENT 1906-1910 :

MRS. E. E. MOFFITT.

REGENT 1910-1917 :

*Died November 25, 1911.

†Died December 12, 1904.

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John Steele

(Concluded)

BY ARCHIBALD HENDERSON

V

As early as 1793, Steele was under consideration for national preferment. His talents were especially appreciated by Hamilton, who remained in correspondence with him. The fact that Steele, in 1792, though under thirty years of age, had been prominently pressed for the Senate, and again in 1795 had been the candidate of his party for the Senate, gave him strong claims to recognition by Washington, who was well acquainted with him and had a very favorable opinion of his ability. Upon the resignation of John Davis of Massachusetts as Comptroller of the Treasury, John Steele was appointed to that office, his commission bearing the date July 1, 1796.

Before taking up in more detail the career of Steele as Comptroller of the Treasury, some quotations from the correspondence of Steele and Hamilton may throw interesting sidelights upon important events and issues of the time. In a letter to Steele (Philadelphia, October 15, 1792), Hamilton makes a noteworthy pronouncement upon the presidential situation, which is of especial interest for its reference to Aaron Burr, Hamilton's evil genius.

Mr. Adams is the man who will be supported in the Northern and Middle States by the friends of the Government. They reason thus—"Mr. Adams, like other men, has his faults and his foibles—some of the opinions he is supposed to entertain, we do not approve . . . but we believe him to be honest, firm, faithful and independent—a sincere lover of his country—a real friend to genuine liberty; but combining his attachment to that with the love of order and stable

government. No man's private character can be fairer than his. No man has given stronger proofs than him of disinterested and intrepid patriotism. We will therefore support him as far preferable to any one who is likely to be opposed to him."

Who will be seriously opposed to him—I am yet at a loss to decide. One while, Governor Clinton appeared to be the man. Of late there have been symptoms of Col. Burr's canvassing for it. Some say, one or both, of these will be played off as a diversion in favour of Mr. Jefferson.

I do not scruple to say to you that my preference of Mr. Adams to either of these characters is decided. As to Mr. Clinton, he is a man of narrow and perverse politics, and as well under the former as under the present Government he has been steadily since the termination of the War with Great Britain opposed to national principles. My opinion of Mr. Burr is yet to form—but according to the present state of it, he is a man whose only political principle is to *mount at all events*—to the highest legal honors of the Nation, and as much further as circumstances will carry him. Imputations not favorable to his integrity as a man rest upon him; but I do not vouch for their authenticity.

There was a time when I should have balanced between Mr. Jefferson and Mr. Adams; but I now view the former as a man of sublimated and paradoxical imagination cherishing notions incompatible with regular and firm government.*

On April 8, 1793, Edmund Charles Genet, the accredited representative of the new French Republic, landed at Charleston. It was with a feeling little short of consternation that the American people noted his extraordinary activities in enlisting seamen, commissioning officers, and fitting out privateers, for the unconcealed purpose of preying upon British commerce. One week after Washington issued his Proclamation of Neutrality (April 22, 1793), Genet was at Salisbury, North Carolina, on his way northward; and the following extract from a letter written by Steele to Hamilton (Salisbury, April 30, 1793) contains a vivid pen-picture at close range of Citizen Genet at this stirring period in American history:

This morning Mr. Genet, the French Minister, set out from this place for Philadelphia. . . . You have heard much of *this citizen*, no doubt, and therefore anything of him from me will seem super-

* For a copy of this letter I am indebted to the courtesy of Judge H. G. Connor.

fluous; but as I am writing of the man that we are all afraid of, permit me to say that he has a good person, fine ruddy complexion, quite active, and seems always in a bustle, more like a busy man than a man of business. A Frenchman in his manners, he announces himself in all companies as the minister of the republic, &c., talks freely of his commission, and like most Europeans, seems to have adopted mistaken notions of the penetration and knowledge of the people of the United States. He is, or affects to be, highly gratified by the affectionate treatment he has thus far experienced from the Americans, except of Charleston, where an insult was offered to a French seaman, which he attributes to the merchants, who seem in his opinion almost wholly attached to the British. The minister, notwithstanding his good-nature, spoke angrily of this insult, and for a moment deviated from his system, which I think is to laugh us into the war, if he can. The best informed men in this State, who are wholly disinterested, continue uneasy, from an apprehension that our political connection with France, and our commercial intercourse with England, will place the United States in a delicate, if not a dangerous situation during the war.

I have often said, on proper occasions, that the friends to neutrality and peace would find in the Secretary of the Treasury an able and zealous friend. . . . The best men in this country rely chiefly upon your talents and disposition to avoid the rocks which lie upon the right hand, and upon the left, ready to dash our young government to pieces upon the least unskillful pilotage.

VI

On November 15, 1796, Steele sent to the General Assembly of North Carolina his resignation both as Justice of the Peace for the county of Rowan and as Major General in the Fourth Division of the Militia of North Carolina—in consequence of the assumption of his new duties and of his removal to Philadelphia. Early in July of that year he had formally taken charge of the office of the Comptroller of the Treasury, in which office he had been preceded by Nicholas Eveleigh of South Carolina, Oliver Wolcott, Jr., of Connecticut, Jonathan Jackson of Massachusetts, and John Davis of Massachusetts. For the next six years, Steele assiduously devoted himself to the onerous and taxing duties of that office.

The accounting system of the Treasury Department, designed to concentrate all accounting agencies in that department, was created by Alexander Hamilton, the first Secretary

of the Treasury. In the original organization of that department, by the act of September 2, 1789, provision was made by the first Congress for a Secretary of the Treasury, an assistant to the Secretary, a Comptroller, an Auditor, a Treasurer, and a Register. Under the terms of that act, it was the duty of the Comptroller to superintend the adjustment and preservation of all public accounts; to examine all accounts settled by the Auditor and certify balances arising thereon to the Register; to countersign all warrants drawn by the Secretary of the Treasury, which were warranted by law; to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein; to provide for the regular and punctual payment of all moneys which may be collected and to direct proceedings for all delinquencies of officers of the revenue and for debts due the United States.

Steele took up his quarters in Philadelphia at Francis's Hotel; and in a letter to his wife, written shortly after his arrival in Philadelphia, he thus describes the routine of his daily life:

It will no doubt be some satisfaction to you to know the nature of my office duties, and other minutiae relative to my situation. The papers are kept in a large house in Chestnut Street, about the center of the city. The Secretary of the Treasury and his clerks occupy the lower story, the comptroller and his clerks the rooms of the second story, and the Register of the Treasury and his clerks the third story. . . . Under my direction there are thirteen clerks and a doorkeeper, and indeed there is business enough for the whole. *Writing, writing, writing* in this department is the whole duty of man, and at this you know I can do a reasonable share. I go to the office every morning after an early breakfast, continue there until three o'clock, dine, and after dinner return to business again until sunset or dusk. The clerks are all at liberty after three o'clock, tho' some of them return and do business in the afternoon from choice. These are allowed an additional compensation.

In the first days of his residence in Philadelphia, he wrote his wife: "In leisure books shall be my companions"; but

it was not long before his duties became so onerous that he was kept regularly at his office until nine o'clock in the evening. "Even on Sundays," he says, "I have not leisure to go to church, except now and then when I understand a person of particular eminence is to preach. Besides other vast cares upon my mind, not one dollar can go in, or out of the Treasury of the United States without my name and that of the Secretary of the Treasury."

VII

An interesting picture of social life in Philadelphia and in Washington, during the early sessions of Congress in the two capitals, are found in the letters of General Steele and his daughter, Ann Nessfield, written home from time to time to Mrs. Steele at Salisbury. Mrs. Steele seldom accompanied her husband to either place; and her associations with Philadelphia were saddened by the death of her infant son, whom she lost there in 1798. A few brief extracts from the letters must suffice to give us a glimpse or two of the social happenings of the day. A corner of Steele's heart, revealing his deep and intense love for his wife—the "Polly" of his letters—is portrayed in the following extract from a letter to her, written from Philadelphia (January 31, 1793), in which he mentions dining with Washington:

I dined to-day at the President's in a very large company of ladies and gentlemen. On such occasions, without you, I feel like Captain O'Blunder, "Alone in the throng." The truth is, I feel every day more and more disposed to believe that there is no happiness to be found out of a man's own house. Any mortal who thinks that honor and fame will confer that inestimable boon called happiness, in the end like Solomon will find himself grossly mistaken. Believing in that opinion I rejoice with all my heart that my political course is almost finished. . . . The President today asked me to drink a glass of wine with him. This is considered here a great honor. It may be so; but I would have been more highly gratified in drinking a glass with my own dear Polly.

During the year 1801, General Steele was accompanied to Washington by his sprightly and witty daughter, Ann Ness-

field; and they took quarters at a Miss Beall's in Georgetown. A few quotations from her letters home carry the piquancy of interest which attaches to experiences associated with personages of historic note. Writing to her mother on November 4, 1801, she says: "I dined at Mr. Madison's both last Sunday and today—nothing uncommon in any of the dinners—not a bit better than your own, and in no more style. . . . As for fashions, every thing is Crazy Jane, and the more you can imitate a crazy person the more fashionable you are." On Christmas day, 1801, she writes: "In the morning we visited the Roman Catholic Chapel in this place (Georgetown), and were entertained with a great quantity of show but very little substance. We returned home to dinner, and drank tea with Mrs. Orr from whence we have just returned. . . . I was in company with Mrs. Murry (William Vans Murray?) the evening before last and must positively give you a description of her head-dress. Well, it was a colored cotton handkerchief, red and spotted with yellow. . . . I don't know what to call it for it would be highly improper to call it a handkerchief." At times, too, Ann wrote with precocious solemnity of her father's affairs; and the following extract must be regarded as only partially explaining the reasons which actuated General Steele in his retirement from office. "The other evening," writes Ann to her mother, not long before her father resigned the Comptrollership of the Treasury, "I had a long conversation with Papa respecting his resignation and I have concluded that it is better for him to retire from public business. He says that as we are situated now we spend all his salary and it will appear very singular if we should continue to live, part of the family in Carolina and the other part in Washington; and as to our living, all of us, here, it is out of the question, for we could not even live comfortably on less than five thousand dollars, which is just twice as much as his income."

One of the most fascinating memoirs of the period is *The First Forty Years of Washington Society*, as portrayed by the

family letters of Mrs. Samuel Harrison Smith (Margaret Bayard). In a letter (July 5, 1801) to his sister, Mary Ann Smith, Mr. S. H. Smith draws a vivid picture, in which Steele incidentally appears and Jefferson is, of course, the central figure.

I cannot deny myself the pleasure of passing a few minutes with you, chiefly to draw a picture, which I know will give your patriotic heart delight, a picture of Mr. Jefferson in which he was exhibited to the best advantage. About 12 o'clock yesterday, the citizens of Washington and Geo. Town waited upon the president to make their devoirs. . . . We found about 20 persons present in a room where sat Mr. J. surrounded by the five Cherokee chiefs. After a conversation of a few minutes, he invited his company into the usual dining room, whose four large sideboards were covered with refreshments, such as cakes of various kinds, wine, punch, &c. Every citizen was invited to partake, as his taste dictated, of them, and the invitation was most cheerfully accepted, and the consequent duties discharged with alacrity. The company soon increased to near a hundred, including all the public officers and most of the respectable citizens, and strangers of distinction. Martial music soon announced the approach of the marine corps of Capt. Burrows, who in due military form saluted the President, accompanied by the President's March played by an excellent band attached to the corps. After undergoing various military evolutions, the company returned to the dining room, and the band from an adjacent room played a succession of fine patriotic airs. All appeared to be cheerful, all happy. Mr. Jefferson mingled promiscuously with the citizens, and far from designating any particular friends for consultation, conversed for a short time with every one that came in his way. It was certainly a proud day for him, the honours of which he discharged with more than his usual care. At 2 o'clock, after passing 2 hours in this very agreeable way, the company separated. At 4 a dinner was given at McMunn and Conrad's,* where all the civil and military officers attended, and a number of citizens, which, including the former, amounted to about 50. Everything here was conducted with great propriety, and it was not unamusing to see Mr. Gallatin, Madison, and Dearborn on one side directly opposite to Mr. Meredith, Harrison, Steele on the other. . . . Thus you see that we are here at least all Republicans and all Federalists.

VIII

Upon the accession of John Adams to the Presidency, Steele was retained in office as Comptroller of the Treasury ;

* A boarding house near the Capitol.

and he continued to fill that office until the close of Adams's administration. In the year 1800 a division in the ranks of the Federalists seriously threatened the chances of Adams in the coming Presidential election. The Hamiltonian section of the party was out of sympathy with the President. Oliver Wolcott, although holding the office of Secretary of the Treasury, was deep in intrigues against Adams; and to McHenry, the Secretary of War, who was also in the cabal, he wrote (June 18, 1800): "The prospect is almost certain that the country will be freed from the greatest possible curse, a Presidential administration, which no party can trust, which is incapable of adhering to any system, in connection with which no character is safe." As soon as it became plain that Charles Cotesworth Pinckney could not be elected President, and believing it to be incompatible with honor and a suitable respect to his own character—as he put it!—to serve longer under Adams, Wolcott sent in his resignation on November 8, 1800, to take effect on the last day of December. Two days later (November 10), Adams accepted Wolcott's resignation.

In recognition of his great ability as a financier and of the skill, wisdom and discretion with which he had administered the office of Comptroller during two administrations, President Adams at once offered to Steele the post of Secretary of the Treasury. Steele was loth to accept the appointment so near the end of Adams's administration; and wrote to his close friend, John Haywood, of Raleigh, the State Treasurer, asking his advice as to the best course to pursue. In his reply, Haywood says: "The appointment now offered to you is completely gratifying and satisfactory to me; inasmuch as I consider it among the most distinguished and dignified in the gift of the Government. . . . As Secretary of the Treasury, you would be of higher grade, and more immediately of the President's constitutional advisers than at present. . . . I am clearly of opinion, you suffer yourself to be too far influenced by the principle of delicacy you state; as a proof of this, I am free to say, that I would as soon and as willingly accept from Mr. Adams, on the last day

of his administration, any appointment he might think proper to confer on me, of which I believed myself worthy, and which the world or those who knew me considered me equal, as at any point of his administration. . . . In every view of the business, I am clear you ought to accept." Unable to overcome his delicacy of feeling in the matter, however, Steele declined the distinguished honor proffered him by President Adams; and on December 30, the President nominated Samuel Dexter as Secretary of the Treasury.

IX

Upon his accession to office, Jefferson appointed Albert Gallatin to the post of Secretary of the Treasury; and Steele, whose conduct of the office of Comptroller had been conspicuous for efficiency, he persuaded to remain. Steele remained in office against his own inclination; for he was unable for financial reasons to remove his entire family to Washington and for many months his health had been troubling him. Writing to Jefferson on July 11, 1801, Steele says: "I have for some time past wished to obtain leave of absence from the seat of Government to visit my friends in Carolina, and by a temporary relaxation from business, shake off, if possible, a complaint which gives me great uneasiness." One year later, in a letter to his wife (June 26, 1802), he says: "Since the middle of September, 1800, I have enjoyed the society and comforts of domestic life but nine weeks, and during all that time my anxieties have been increased by a delicate state of health, and the incessant cares of a laborious office."

At some time prior to this, Steele had communicated to his close friend, Nathaniel Macon, his intention of resigning. On June 2, 1802, Macon, who was really the leader in Congress of the opposite party, wrote to Steele: "I am extremely desirous that you should not retire. . . . I cannot refrain from saying, that I do not know any person, that would be so generally acceptable as yourself, nor can a stronger proof be given in favor of any public character, than that in times when party runs rather high, he should by the faithful

& upright discharge of his official duty obtain the confidence of all candid men." Despite the urgency of Macon, of the opposite political party but his warm personal friend, Steele wrote as follows to Jefferson:

Sir,

WASHINGTON, June 28, 1802.

About the 10th of next month, I wish to be favored with your permission to visit my family in Carolina. Hitherto a variety of considerations have restrained me from removing them to this place. Among others, a desire not to do anything which would render it inconvenient for me to conform to your views, whatever they might be, in relation to the disposition of my office. I thought it my duty also to postpone any communication of my sentiments to you on this delicate subject, until you should have had leisure to mature an opinion of my public conduct, and until Mr Gallatin, with all the assistance which I could give him in the mean time, should have become sufficiently acquainted with the forms, and principles of business in the Department to experience no inconvenience from a new appointment if that should be your intention, or if circumstances on my part should render a resignation necessary. After leaving the seat of Government with the permission which I now solicit, I am not certain that it will suit me to return: but if I should conclude to do so, my family will accompany me about the beginning of October, and in deliberating with them in the course of the summer on a step which must be attended with trouble, and the sacrifice of many domestic comforts, it will be extremely gratifying to me, to be certain that I understand your wishes. The politeness with which you have uniformly honored me since our first acquaintance, and a certain bias which is inseparable from the reflection, that we are citizens of the same Geographical section of the United States cannot but increase my reluctance to withdraw my services, if they are considered of any importance to your administration. Salary although necessary to me, in relation to my private circumstances is far from being my principal object in serving the public. In a country as free as this happily is, a man should have higher, and better views.—Mine are regulated by a desire, I trust an honest one, to be useful and in that way to acquire reputation, by deserving it. I am sensible, however that in times like the present, it is not possible for any man to continue in such an Office, with satisfaction to himself, or advantage to the public unless he can have reason to be assured that your confidence in his fitness is entire.

I have the honor to be, Sir

With sentiments of perfect respect

Your most obt servant

Jno Steele

Thomas Jefferson Esq

President of the United States.

In his very courteous reply, written two days later, the President says, among other things: "I am happy in the occasion it (your letter) presents of assuring you unequivocally that I have been entirely satisfied with your conduct in office, that I consider it for the public benefit that you should continue, & that I never have for one moment entertained a wish to the contrary. I will add, and with sincerity that I should with reluctance see any circumstance arise which should render your continuance in office inconsistent with your domestic interests or comfort, the possibility of which is intimated in your letter. Your deliberations with your family therefore on their removal hither may be safely bottomed on the sincerity of these dispositions on my part; and I shall be happy if they should have the effect of determining their & your resolutions to that measure." To this letter of the President, Steele made the following reply:

WASHINGTON, July 1st 1802.

Sir,

I am extremely gratified, and obliged by your favor of yesterday. It has determined me to postpone my journey to Carolina until the last week of this month which is the more agreeable to me, as my absence will then correspond with the general arrangements of the Executive.

If my private affairs can possibly be made to admit of it, a sense of gratitude for what I consider equivalent to a new appointment will induce me to return: but whether in or out of office, I pray you to be assured, that I shall always consider it a flattering distinction to be honored with your confidence, and that it will be my study and my pride to merit the favorable opinion which you have had the goodness to express to me.

I have the honor to be, Sir

With the highest consideration

Your most obedient servt

Jno Steele

Thomas Jefferson Esqre

President of the United States.

Upon his return to Salisbury on August 17, and after consultation with his family, all of whom like himself were in poor health, General Steele sent in his resignation to the President.

Sir,

SALISBURY, September 30th 1802.

After leaving the seat of government on the 6th of Augt last with the permission which you did me the favor to grant to me I arrived at this place on the 17th where I found my family in their usual health; but I had been at home only a few days before nearly the whole of them (Mrs Steele of the number) were taken down with a fever which prevails very generally among the inhabitants of this part of the country. Scarcely a single family in our neighborhood can be said to have escaped. Mine continues to be so much indisposed that I am under the necessity of relinquishing (for the present) the intention of removing them to the seat of government, and consequently of requesting that you will be pleased to accept my resignation of the office of Comptr of the Treasury. With my resignation you will I hope also have the goodness to accept an assurance, that I am duly sensible of your polite treatment and that in future it cannot but be a source of pleasing and grateful reflection to me to have been invited by you to continue in the public service.

I have the honor to be, Sir

With perfect consideration

Your mot obt & hume servant

Thomas Jefferson Esqre

Jno Steele.

President of the U. States.

By this same post, Steele sent a letter to Nathaniel Macon, in which he says: "Since the last of Augt^t my family has been so much indisposed (Mrs. Steele of the number) that I have not in my power to make any arrangements in my private affairs preparatory to their removal to the seat of Government, and it is too irksome to live there as I have done for some time past without them. Thus circumstanced I have found myself under the necessity of relinquishing (for the present) the intention of returning. The mail which carries this carries also a letter to the President requesting him to accept my resignation." At the same time, in a letter to the Secretary of the Treasury, Mr. Gallatin, he says: "In conducting, for six years past, the business of an office distinguished for the labor and responsibility which it imposes my first object has constantly been fidelity to the public, the second, a respectful deportment toward those with whom it was my duty to maintain official intercourse. It will afford me no small degree of gratification to understand that I have succeeded in these to your satisfaction."

The genuine regret which Macon felt over Steele's resignation is expressed in the following quotation from a letter to Steele, written from Buck Spring, Macon's plantation, on October 10, 1802: "Yours of the 30 ultimo has been received, and it is with real sorrow that I learn of your determination to resign. The reason which produces the resignation is surely a cogent one, but I think it probable that the season is approaching which will restore your family to health, and then you might with convenience have removed them to Washington. The office of Comptroller is surely among the most important in the U. S., especially as it relates to revenue; besides this, the settling accounts with foreigners, is one in which both the interest and honor of the nation are concerned; nor can I close this sentence without repeating my sincere regret at your resignation; who will be your successor I cannot even guess. No doubt many may be found willing enough to accept the office who know nothing of the duties; and I devoutly wish that a successor may be found, adequate in all respects to the office; I know from the best authority that the President was highly pleased with your conduct "

The incident closes with Jefferson's letter to Steele (December 10, 1802), accepting his resignation, in which the President pays Steele this gracious tribute:

Although in a former letter I expressed to you without disguise the satisfaction which your conduct in office since my coming into the administration had given me, yet I repeat it here with pleasure; and testify to you that setting just value on the able services you rendered the public in the discharge of your official duties, I should have seen your continuance in office with real pleasure & satisfaction and I pray you to be assured that in the state of retirement you have proposed, you have my prayers for your happiness and prosperity, and my esteem and high consideration.

X

Upon a number of occasions, General Steele was called upon by both the national and state governments, to exercise his diplomatic and executive talents as boundary commis-

sioner. In 1797, Tennessee addressed a memorial and remonstrance to the United States upon the subject of the Indian title to lands within that State. Following a discussion in Congress, President Adams appointed as commissioners for concluding a treaty with the Indians John Steele, Alfred Moore, and George Walton. After preliminary negotiations were conducted in midsummer, 1798, the definitive treaty was concluded at Tellico on October 2, 1798, the Hon. George Walton and Lieut.-Colonel Thomas Butler acting as commissioners on behalf of the United States—Moore having returned to North Carolina and Steele having returned to Philadelphia to resume his duties as Comptroller of the Treasury.

Pursuant to a resolution passed by the State of North Carolina in 1801, the correspondence between the governors of North Carolina and South Carolina resulting therefrom, and the passage of certain acts of the general assembly of North Carolina in 1803 and 1804, Governor James Turner in October, 1805, appointed as commissioners on the North Carolina-South Carolina boundary line General John Steele, Colonel John Moore, and General James Wellborn. After a series of meetings between the commissioners of the two States, an extended conference was held at Columbia, S. C., in July, 1808, and articles of agreement were drawn up. Disagreement arising over the third article of the "Conventional Agreement," another set of commissioners was appointed in December, 1812, by Governor William Hawkins, to wit: John Steele, Montfort Stokes, and Robert Burton. Following a series of conferences with the South Carolina commissioners, a provisional article was entered into on September 4, 1813, which was ratified by the two States; and the line was accordingly run and marked. General Steele, who played the leading part in this difficult and delicate negotiation, gained universal approbation for the ability, tactfulness, and skill which he displayed throughout.

The most difficult of all the boundary disputes which

General Steele was concerned in settling was the famous controversy between Georgia and North Carolina over the "orphan strip," a tract of territory some twelve miles wide in Buncombe County, North Carolina, which Georgia in 1803 erected into the county of Walton. This territory lay south of the thirty-fifth degree of latitude, as then located; but grave doubts were raised as to the proper location of this line. North Carolina scientists having located this line far to the south of where it was supposed to run, North Carolina served notice upon Georgia in 1805 of her claim to the territory as part of Buncombe County. Following disturbances in the territory, Governor Jared Irwin of Georgia wrote Governor Nathaniel Alexander of North Carolina, suggesting the appointment of commissioners to settle the disputed boundary. On January 1, 1807, Governor Alexander appointed John Steele, John Moore, and James Wellborn as commissioners; and the Rev. Joseph Caldwell, President of the University of North Carolina, acted as scientist for the State in making the observations. When the thirty-fifth degree of latitude was run, it was found to be "twenty-two miles within old Buncombe"—much to the astonishment of the Georgians; and it was agreed by all that the actual line ran a little south of Caesar's Head. The provisional agreement entered into by the commissioners on June 27, 1807, led to an extended controversy, which was finally productive of considerable bloodshed. North Carolina ratified the agreement; but Georgia refused to accept the findings of her own commissioners. Having once already appealed to Congress for settlement, Georgia again in 1807 appealed to Congress, but unsuccessfully—Congress paying no attention to the matter. For the next three years, Georgia persisted without success in her efforts to retain the territory; and finally North Carolina had to dispatch a company of State militia in December, 1810, to take possession of the county of Walton. Two pitched battles, and some small skirmishes, in which a number of lives were lost, were fought before the Georgians were finally

ousted and the so-called county of Walton, Georgia, was finally merged into Buncombe County, North Carolina.

XI

When General Steele resigned his post as Comptroller of the Treasury, it was his intention to devote his leisure to the pleasures of polite literature, in particular the reading of French works in which he was proficient; to improvements in agriculture on a scientific and intensive basis; and to the calm enjoyments of domestic life in the bosom of his family, which had so long been denied him. "These," he observed to Macon, "will fill up my time to the exclusion of politicks, and with them I trust every passion which could disturb a virtuous and tranquil retirement." General Steele had quite extensive land holdings, including plantations and town lots. The two major properties were the beautiful plantation of eight hundred acres, "Lethe," on the Yadkin River below the Trading Ford and next to Albert Torrence's plantation; and "Lombardy," the estate near Salisbury where his family resided, including upwards of nine hundred acres. The dwelling house, which was erected in the first years of the last century on the latter property, is today in excellent preservation, although modernized in appearance.

The members of the Steele family, as their letters show, were on terms of delightful ease and informality in their intellectual intercourse with each other—a relationship somewhat unusual in an age marked by stilted language and formal deportment. Ann Nessfield was educated at Dr. Van Vleck's famous Moravian School at Bethlehem, Pennsylvania; and she spent a good deal of time with her father. Mrs. Steele seldom went on to Washington or Philadelphia; and General Steele's enforced absence from home for long periods of time was a source of continuing regret to all the family. Of the children of General and Mrs. Steele, three died in infancy—one born at Salisbury who died without a name in the summer of 1786; a son, William, who was born

at Salisbury on March 18, 1793, and died August 18, 1794; and another son, born in Philadelphia on January 4, 1798, who died May 4 following without a name, the body being interred in the Pine Street Meeting House burying ground. Three daughters survived: Ann Nessfield, born January 27, 1784, who was married to General Jesse A. Pearson on February 13, 1804, and died October 4 of the same year; Elizabeth, born August 5, 1795, who was married on June 28, 1814, to Colonel Robert Macnamara, a prominent citizen of Salisbury, and died at Annsfield, near Salisbury, November 28, 1834; and Margaret Gillespie, born January 31, 1790, who was married to Dr. Stephen Lee Ferrand, a distinguished physician of Salisbury, on March 3, 1819, and died, as did her infant also, on May 13, 1824.

After his retirement from public life, General Steele assiduously devoted himself to that course of general reading which, as he expressed it to Macon, "keeps me employed with the hope of becoming a more intelligent and useful member of society." After the model of Washington, he carried out experiments in improved modes of agriculture; managed his estate with efficiency and economy; and in particular, devoted no little attention to the rearing and racing of blooded horses. He was a leading figure in the Salisbury Jockey Club; and the annual races run there were conducted according to regulations which he drew up. Probably the most famous of his racing horses were the blood-bay, "Statesburg," whose performances on the turf were pronounced by contemporary authorities to "have equalled if not surpassed those of any horse of his size on the Continent"; and "Midas," another famous racing horse of wonderful speed. These and others of his blooded horses ran in the big races of the day—at Salisbury, Cheraw, Camden, and Charleston.

While living the life of the gentleman farmer, who assiduously read the classics and the standard works of polite literature, and carried on an extensive correspondence with the leading men of the day, General Steele was by no means

divorced from public activity during the last decade of his life. There were the onerous and exacting duties of boundary commissioner, which involved considerable correspondence and the writing of voluminous reports. Moreover, General Steele was frequently called upon to represent the Salisbury District in the House of Commons. He served in the Legislatures of 1806, 1811, 1812, and 1813, sometimes as Speaker of the House; and he was elected for another term on the day of his death, August 14, 1815.

XII

John Steele is said to have been one of the most versatile men North Carolina has ever produced. Grave in temperament and of a serious bent of mind, he always conducted himself with great dignity; and he was seldom seen to smile. The portrait of him, made by the famous miniaturist, James Peale, in 1797, portrays a man both handsome and bland. At the height of his career he was credited with being the most popular man in North Carolina.

The inscription upon his tombstone and contemporary obituaries speak best of the man and the place he filled in the life of the time. The marble shaft in the private burial ground at "Lombardy," now known as "Steeleworth," bears the following inscription:

In the Memory of
GENERAL JOHN STEELE
Died, Aug. 14, 1815
Age 50

Consecrated by Conjugal
and

Filial Affection
An Enlightened Statesman
A Vigilant Patriot

An Accomplished Gentleman.

The Archives of his Country testify the services of his short but useful life. Long will that country deplore his loss, but when will this sequestered spot cease to witness the sacred sorrow of his Family and Friends.

The following obituary (*The Star* of Raleigh, August 25, 1815) requires no commentary:

"A great man has fallen in Israel."

Died at Raleigh, N. C., August 25, 1815, John Steele, General John



The North Carolina Booklet

Great Events in North Carolina History

VOLUME XIX of THE BOOKLET will be issued quarterly by the North Carolina Society, Daughters of the Revolution, beginning July, 1919. THE BOOKLET will be published in July, October, January, and April. Price \$1.00 per year, 35 cents for single copy.

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MISS MARY HILLIARD HINTON.

BIOGRAPHICAL EDITOR:

MRS. E. E. MOFFITT.

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-----Mr. Frank Nash.

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The following obituary (*The Star* of Raleigh, August 25, 1815) requires no commentary:

"A great man has fallen in Israel."

Died, a few days ago, at his seat near Salisbury, *General John Steele*, long known as a distinguished statesman.—General Steele was a member of Congress soon after the adoption of the Constitution, contributed his full share to the establishment of the Government, and to give effect to those measures and policies which were pursued under the first administrations. He was afterwards for several years Comptroller of the Treasury of the United States, and has since occasionally been a Member of the Legislature of his native State. . . . The knowledge of General Steele was various and profound, and his reasoning powers great. Among the political sages of our country he has left a chasm that will not easily be filled.

Life and Services of Colonel Jonas Johnston*

BY KEMP DAVIS BATTLE

When I received Miss Hinton's cordial invitation to take part in these interesting proceedings, there were two things in her letter which I particularly noted: first, that my address was to be read; second, that it was to be, to use her tactful language, "not of great length." I shall give myself the benefit of the first provision and I shall try to give you the benefit of the second.

At the outset, I desire to acknowledge my obligations to Miss Hinton for furnishing me the material for this modest sketch. She has manifested the enthusiastic and patient diligence of the historian in assembling every available record and reference bearing upon the life of her distinguished ancestor. Indeed, what I say today adds very little to a paper read by her before the North Carolina Society of the Daughters of the Revolution.

The biographical data in reference to Colonel Johnston's life is comparatively meager. He was born in Southampton County, Virginia, in 1740, the son of Jacob Johnston and Mary Waller Johnston. During his early youth, his parents removed to Edgecombe County, which was thenceforth his home. In estimating his talents and character, it is important to remember that Jonas Johnston was raised a plain, simple, hard-working farmer, with no education save that which strong minds are able to extract from the stream of practical experience. In 1768, at the home of Aquilla Suggs, near Tarboro, he was married to Esther Maun or Maund, of Norfolk County, Virginia, a woman who, in good sense, in resourcefulness, and in strength of character, seems to have been quite his equal. Both parties had in ample measure

* Address by Kemp Davis Battle, a descendant of Major Amos Johnston, delivered at the presentation of a tablet to Colonel Jonas Johnston by The North Carolina Historical Commission and the Board of County Commissioners of Edgecombe, to the County of Edgecombe. It was accepted by the Chairman, William G. Clark. Published by request.

that self-reliance, that ability to rise to any emergency, that capacity to maintain one's footing no matter how fast may flow the stream of difficulty or adversity, in a word, that "spiritual toughness" which makes the lives of our pioneering forefathers so entrancingly picturesque.

Emergencies seem always to produce or to discover men of unusual strength to deal with them, and so it was with Jonas Johnston. To us who live in an age when electric communication has girdled the globe; when our morning newspaper chronicles every significant happening from one end of the earth to the other; when the jungles of Africa, the steppes of Russia, the plains of Tibet and the pampas of Argentine alike seem almost around the corner; when man travels with equal ease under the sea, through the air, and upon the crust of the earth; when the telephone and the telegraph are beginning to seem archaic, as wizard inventors weave us fantastic tales of individual automatic wireless telephones carried like a bunch of keys in the pocket; when the automobile, having vanquished the horse, begins to tremble at the advent of the aeroplane; to us, I say, it is almost impossible to comprehend the material and physical difficulties with which our forefathers contended at the time of the Revolution. Communication was by coach, by carriage, by wagon, by horseback or by foot. The roads, measured by present standards, were impassable. Public schools were unknown, education was the boon of the favored few. When we bear these conditions in mind, it should excite equally our humility and our amazement to contemplate the intelligence, the comprehension, the wisdom, the foresight and the idealism of that noble band of patriots who builded our Republic. In that great task, Jonas Johnston, unlettered plowboy, but endowed by nature with strength of character and of mind buttressed with courage and determination, played a man's full part.

Espousing from the beginning the cause of liberty, Johnston, who was then in his thirties, early became a leader. He

was conspicuous at the battle of Moore's Creek Bridge, where he manifested the coolness and intrepidity under danger which characterized his brief but gallant military career. In those early days, the struggle which finally terminated in our independence, bore largely the earmarks of a civil dispute. The Tories were numerous, influential, and bold. A preliminary period of strife was necessary before the colonies were able to organize a comparatively united front against the English arms. Johnston did yeoman's service in this work. On one occasion he organized at Tarboro a band of volunteers which he led down to the Cape Fear River where a Tory uprising was causing grave anxiety. The expedition was entirely successful and it was probably in recognition of his services that he was given a commission as First Major by the Provincial Congress at Halifax. This was on April 22, 1776. From that time on he was constantly engaged in the fight for freedom. It is true that he missed a good deal of time from the military forces while attending various sessions of the Provincial Congress, of which more hereafter. His necessary absence from his regiment and his early death doubtless prevented him from attaining the reputation as a military leader which would otherwise have been his. Nevertheless, his record in that respect is one of which his descendants may well be proud.

But before actual fighting could begin, there was much preliminary work to be done. Johnston was not found wanting. When the Council of State met at New Bern, September 2, 1777, the Governor laid before the board the resolve of Congress to divide the States into districts with one person in each district to recruit men to fill the regiments raised in such State. For Edgecombe, Jonas Johnston was appointed. (State Records 22, page 926.) The Provincial Congress at Halifax, April 19, 1776, appointed Henry Horn and Jonas Johnston "to receive, procure, and purchase firearms for the use of the troops." (State Records 10, page 525.) When the Council of State met at Kinston, December, 1778, Col. Jonas Johnston laid before the board an account for sundries

furnished the militia marching from Edgecombe. The Governor advised the board to grant a warrant on Treasury in favor of Col. Johnston for 400 pounds. (State Records 22, page 942.) A letter written by Major Johnston (now a Lieutenant-Colonel) to Governor Caswell, under date of November 24, 1778, and found in State Records 13, page 298, is so illuminating as to the difficulties which our hero was encountering and so eloquent of his resourcefulness and determination, that I venture to quote it in full:

May it please your Excellency: I have herewith sent you the Commissions of Capt. Davis and Ensign Gay, resigned, the former through infirmity, the latter through cowardice and as no Ensign offers to supply the place of Gay our detachment is without any Captain. Lee who now heads the Company, is a volunteer, who accepted the office in the room of Davis resigned, and as I have no blank commissions he is without. One Absolum Barnes, our Lieutenant, has a commission. I am sorry to inform your Excellency of so many resignations at present, but it is out of my power to help it. I have furnished Capt. Lee with 934 lbs. of beef, 2 barrels of meal, and 8 pots and 8 axes, and am happy to inform your Excellency that the men are mostly in good health, and now on duty; are in high spirits and resolved to encounter every difficulty. I can only add, I am sorry that more of our old Captains would not go with them, as I think so large a detachment deserves a good Captain and so no more at present but Sir I still remain,

Your Excellency's mo. huml. servt.,

JONAS JOHNSTON.

N. B.—The other detachment is now drafting, and will march as soon as possible. J. J.

One can form from the foregoing disconnected incidents some slight estimate of the patriotic and valuable work performed by Colonel Johnston in the immensely important task of raising and equipping and drilling the troops which were to test their mettle with the British. Indeed, a little reflection leads to the conclusion that this harassing and sometimes disheartening work was more far-reaching in its results than gallantry on the field of battle. At length, however, Colonel Johnston took command of his regiment, and with Colonel Caswell marched to South Carolina where help was greatly needed. The best record of his activities there is contained

in a series of letters written by him to the Governors of North and South Carolina. These letters bear unmistakable evidence of the man's statesmanlike judgment and indomitable will-power. His career ended with the Battle of Stono Ferry, fought June 20, 1779. In this engagement he greatly distinguished himself by his personal courage and the skill with which he handled his men. Tradition has it that the title of General was conferred on him by the War Department for bravery in the Battle of Stono Ferry, but this cannot be verified. The wound which he received that day deprived the country of a leader of very great promise. Suffering both from wounds and sickness, he was granted a furlough and started on his journey home. His wife set out from Edgecombe to meet him, traveling in a gig, and attended only by a colored servant. He reached the home of a Mr. Amis on Drowning Creek, S. C., where on July 29, 1779, he died. The sword which he wore at Stono Ferry and which had been captured from the Hessians, was inherited by Governor Elias Carr and is now in the Arts and Industry Building, Smithsonian Institution, in Washington.

At the present time, Colonel Johnston is usually thought of as a soldier, but it was probably in civil life that he achieved greater eminence and made a greater contribution to his country. And here I must again call to your attention the fact that he never received a formal education and that his success was purely the result of his natural strength of mind and integrity of character. I quote from an article in the *North Carolina University Magazine* of April, 1861, written by Jeremiah Battle, M.D.: "Although he was almost destitute of education, he was a considerable orator; and whenever he rose to speak in those public assemblies the greatest attention was paid to his opinions, as they ever carried the strongest marks of good sense. His language was bold and nervous; well adapted to incite the people to patriotic exertion. He was modest, yet competent, prompt and decisive." It is to be understood that the word "education" is used in the sense

of "schooling." Using the word in its widest sense, he did have an education. Colonel Johnston was a member of the Provincial Congress from 1776 to 1779, inclusive, and took a prominent part in its affairs. It may be interesting to name some of the committees on which he served, as follows: Committee on Enquiry; on Consideration of Messages from the President of the Congress; Claims and Accounts; to Establish Courts of Justice of the Peace; on the Disposition of the Public Salt; on the Erection of a State House, Land Office, and Treasurer's Office; to Examine the Accounts of the Paymaster-General; to Devise Means for Paying for a Quantity of Cannon brought in by the Ship Holy Jesus; and the Committee to Raise Men to March to the Southward." He must have taken the last appointment very much to heart, as he ended by marching southward himself—to his death.

Among the bills which he introduced were the following: "A bill to regulate the fees of Justices of the Peace and Clerks of the Superior Court;" "A bill to construct a bridge over Contentnea Creek;" "A bill to dock the entails of land;" and "A bill for emitting 850,000 pounds in bills of credit for discharging debts incurred by the State in raising men to reinforce the battalions belonging to this State in the Continental Army; and calling in all former emissions and for other purposes." To me there is something very impressive in the picture of this unlettered Edgecombe farmer introducing the financial measures for meeting the State's needs in those anxious and trying times. We find him voting in the affirmative on the bill to confiscate the property of all those inimical to the United States. He voted "yea" on "A bill for levying a tax for the year 1779, that the bill be amended by levying a tax of three pence on each pound of taxable property instead of two pence." It sometimes takes as high a quality of courage to face popular disfavor by voting to increase taxes as it does to face a cannon volley. These fragmentary references to Colonel Johnston's legislative career do not purport to do more than cast a flickering spot-

light on his manifold activities. I think they do, however, suffice to present to us a man of progressive ideals, respected among his fellows for his practical knowledge and experience, successfully active in a variety of fields, a substantial, forceful, forward looking patriot.

As we are largely indebted for this occasion to Colonel Johnston's descendants, it seems permissible to give some account of his family and connections. His wife, Esther Maun, must have been a woman of great strength of character. When the war came, Colonel Johnston had just started to erect a residence. The frame dwelling had been completed on the outside, and the laths within were ready for the plastering. Work was necessarily suspended and was not resumed during the owner's lifetime. Colonel Johnston was less than 40 years of age at his death and had given too much of his time and attention to public matters to have accumulated any considerable property. Mrs. Johnston was left with a small farm and five small children. Devoting all her energy and resources to the education of her children, she abandoned all plans for completing her home and did not resume the work until each child had received what was for that age a good education. By industry and economy she met with entire success the responsibilities which her husband's death imposed upon her and won the respect and admiration of all her neighbors. For the last 15 years of her life she was paralyzed but reached the ripe age of 89 years. She is buried on the Johnston plantation, now belonging to the Cobbs of Vinedale. The grave is marked by a tombstone erected by Jonas Johnston Carr, the railing by the Ruffins. I quote the words of one who knew her: "Her own dissolution she looked to without fear, though helpless in body she was strong in faith, and her lamp burned clearer as her sun of life shed its last rays on the fleeting pleasures of this world."

The only children of Jonas Johnston and his good wife which survived and left descendants were four daughters:

Elizabeth, who married first, John Bell, second John Andrews; Celia, who married first, Jesse Hines, and second Elias Carr; Prudence, who married Peter Hines; and Mary, who married Samuel Ruffin. Among their descendants are the names of the following families: Bell, Hines, Carr, Prince, Blount, Vines, Cobb, Ruffin, Andrews, Barnes, Horne and Hinton.

Among those who have attained distinction of various kinds are the following: Hon. Richard Hines, Congressman from North Carolina; Jonas Johnston Carr, of "Bracebridge Hall," southern planter; Dr. Peter Evans Hines, Surgeon Provisional Army Confederate States; Col. A. B. Andrews, railroad builder; Governor Elias Carr; Mrs. David Hinton, a representative of the best Southern Womanhood; Miss Mary Hilliard Hinton, personally known to all present; R. A. Blount, son of R. E. Blount of Paris, a Lieutenant of the Foreign Legion, and a wearer of the Croix de Guerre with Palms for gallantry at Verdun; and William Kearny Carr of Washington, D. C., who died some two or three years ago. W. K. Carr was a scientist and student of the very highest rank. In my opinion he possessed probably the most comprehensive and powerful intellect which Edgecombe County has ever produced.

And so, ladies and gentlemen, I hold it altogether fitting that we should meet to pay a tribute of respect to this sturdy patriot. By his heavy labors in raising and equipping troops to fight in the cause of freedom, by his wise statesmanship in our legislative assemblies, by the sacrifice of his life in defense of our common country, and by his useful and distinguished posterity, he has put the State of North Carolina as well as the county of Edgecombe very much in his debt. It is good that this tablet will adorn our courthouse as his memory adorns our history.

Mr. Chairman of the Board of County Commissioners, it is my high pleasure and distinguished privilege, on behalf of the State Historical Commission, the County Commissioners,

and Colonel Johnston's descendants to present through you to the county of Edgecombe this memorial to her worthy son. May future generations of her citizens by it be inspired to emulate his example and to cherish his memory.

NOTES BY THE EDITOR

Family tradition claims that Colonel Johnston's father came to America from the north of England. The family is not of Scottish origin.

Governor Henry Toole Clark was well versed in the genealogy of the prominent families of his county (Edgecombe). It was he who compiled and arranged the "Johnston Family Tree," some copies of which are today carefully preserved by the descendants of the hero of Stono Ferry.

Colonel Jonas Johnston was an Episcopalian. His Prayer Book is in the possession of descendants in North Carolina.

At the General Assembly held at New Bern November, 1777, "Mr. Jonas Johnston presented a petition from a number of inhabitants of Edgecombe County, praying to have the same divided."

In 1776 the Convention established "An ordinance for appointing Justices of the Peace, Sheriffs and Constables for the several counties in this State, for erecting County Courts for the purposes of holding sessions of the Peace, and putting into execution the laws relative to Orphans, Guardians, and highways until provisions shall be made by the General Assembly for the same." Jonas Johnston was appointed a "Justice for keeping the Peace in Edgecombe. The other J. P.'s appointed for Edgecombe at the same time were: Aquila Sugg, Edward Moore, Samuel Ruffin, Duncan Lamon, Elisha Battle, William Haywood, Sherwood Haywood, Henry Erwin, Joseph Williamson, John Thomas, Matthew Drake, Noah Sugg, Robert Bignall, Nathan Bodie, Exum Lewis, William Hall, Isaac Sessums, Jacob Dickinson, Arthur Arrington, and Joseph Pender, Esquires."

In the spring of 1778 Colonel Johnston was appointed entry taker for Edgecombe, which office he accepted. This prevented his holding his seat in the General Assembly, according to the twenty-fifth section of the Constitution, which did not allow "a receiver of public monies" "a seat in the General Assembly." On April 28, 1778, a motion was carried to fill the seat "vacated by his acceptance of the entry taker's office." However, on August 3, 1778, he appeared as a member of the General Assembly, so he must have resigned the county office.

"At a Council held at Kinston, the 9th September, 1779,

"Resolved, The Governor be advised to appoint Henry Hart, Esq., Colonel of the Company of Edgecombe, in the room of Colonel Johnston, deceased; Isaac Sessums, Lieutenant-Colonel; Henry Horne, First Major, and Amos Johnston, Second Major."

A Composition by John Graham

Afterwards Dr. John Graham, as a Student at Queen's
Museum, Charlotte, N. C., July 30, 1776

A DECLAMATION

My worthy Auditors: Sensible of my inability to appear as a publick speaker before you here today with approbation, I would request this of you before whom I have the honour of declaiming from this stage, that if the subject which I shall treat of, be not discussed to as great perfection as it might be (which I confess is the case) you will judge of my performance with mildness and candor.

I have often wondered that learning is not thought a proper ingredient in the education of women. For seeing they have the same improveable and docile minds as the male part of the species, why should they not be cultivated by the same method? Why should reason be left to itself in one of the sexes and be cultivated with so much care and diligence in the other? Why should man's reasonable companion be left to wander in the dark Vale of Ignorance whilst he is permitted to glide along in the flowery Paths of Learning?

There are several reasons why learning seems equally adapted to the female world as to the male. As in the first place, because they have more spare time on their hands and lead a more sedentary life. Their employments are for the most part of a domestic nature and not like those of the other sex, which are often inconsistent with study and contemplation, as being harrassing and disturbing to the mind.

A second reason why women should apply themselves to the study of useful knowledge as well as men is because they have that natural gift of speech, that velocity of the little

* Dr. Graham was an older brother of Gen. Joseph Graham. Upon his graduation in 1778 he was awarded a diploma, which is the only diploma granted by Queen's Museum now in existence.

machine called the tongue, in much greater perfection. And seeing they have so excellent a talent, such a *Copia Verborum*, or plenty of words, it is a pity they should not put it to some commendable use.

If the female tongue will be in motion, why should it not be set to go right? Could they discourse on philosophical subjects, or on the revolutions of antiquity, it might possibly divert them from publishing the faults, disclosing the secrets, and blemishing the character of their neighbors: could they talk of the different aspects and conjunctions of the planets, they need not be at the pains to comment upon oglings and clandestine marriages. In short, were they furnished with matters of fact out of the arts and sciences, it would now and then be of great ease to their invention.

There is another reason why those especially who are women of quality should apply themselves to letters, namely, because their husbands are sometimes strangers to them; and it seems to me to be a matter truly lamentable that there should be no knowledge in a family either by the father or mother.

To what is it owing, unless to the illiterateness or neglect of parents, that we see so many impudent, ill-bred children, who not being restrained in their childhood from, but rather indulged in, their youthful fancies; arriving at manhood and their licentiousness increasing proportionably, they become rude and insolent to their superiors, subject neither to ministers or magistrates, not even to parents themselves, but, as the celebrated Mr. Young says:

“Ripe from the tutor, proud of liberty,
He leaps enclosure, bounds into the world;
The world is taken, after ten years toil,
Like ancient Troy; and all its joys his own.

“Alas, the world’s a tutor more severe,
Its lessons hard, and ill deserved his pains;
Unteaching all his virtues Nature taught,
Or Books (fair Nature’s advocates) inspired.”

From whence proceeds this misfortune, that so many flourishing branches, who might have become useful members of society, an honor to their parents, and an ornament to their country, should shoot up as it were into so many cumbersome trees, spending their life in inactivity and sloth, lying by among the number and refuse of mankind, unless from a bad or rather no education?

Another reason why women ought to be educated proceeds from the many advantages which are consequences therefrom; for the tutelage of children being almost solely in the hands of mothers, they have the most excellent opportunity of infusing the noblest principles into them, of rooting out the very seeds of vice, and by turning off the stream at the fountain into proper channels, before that the water may have worn deep the natural channel with its swift running current; they might by this means convey the stream between rocks and precipices into foreign lands, and distant nations receive the benefit of the increasing rivulet, and reap the advantages of it a thousand years hence.

If we look into the histories of famous women, we find many eminent philosophers of this sex; nay, we find that several females have distinguished themselves in those branches of philosophy which seem almost repugnant to their natures.

There have been famous Pythagoreans, notwithstanding most of that philosophy consisted in keeping a secret, and that the disciple was to hold her tongue five years together. I need not mention Portia, who was a stoic in petticoats: now Hipparthia, the famous she-cynick.

Learning and knowledge are perfections in us, not as we are men, but as we are reasonable creatures, in which order of beings the female world is upon the same level with the male. We ought to consider in this particular, not what is the sex, but what is the species to which they belong. At least, I believe every one will allow me, that a female philosopher is not so absurd a character and so opposite to the

sex, as a female gamester; and that it is more irrational for a woman to pass away her time at cards or dice, I might likewise have said in immoderate dressing, than in laying up stores of useful learning. This therefore is another reason why I would recommend the study of knowledge to the female world, that they may not be at a loss how to employ those vacant hours that lie heavy on their hands.

I might also add this motive to my fair auditors, that several of their sex, who have improved their minds by books and literature, have raised themselves to the highest posts of honor and fortune, but I shall conclude this head with the history of Athenais, which is a very signal example to my present purpose.

The Emperor Theodosius being about the age of one and twenty and designing to take a wife, desired his sister, Pulcheria, and his friend, Paulinus, to search his whole empire for a woman of the most exquisite beauty and highest accomplishments. In the midst of this search, Athenais, a Grecian virgin, accidentally offered herself.

Her father, who was an eminent philosopher at Athens, and had bred her up in all the learning of that renowned place, at his death left her a very small portion, in which also she suffered great hardships from the injustice of her two brothers.

This forced her upon a journey to Constantinople, where she had a relation who represented her case to Pulcheria in order to obtain some redress from the Emperor. By this means that religious princess became acquainted with Athenais, whom she found the most beautiful woman of her age and educated under a long course of philosophy in the strictest virtue and most innocence. Pulcheria was charmed with her conversation and immediately reported to the Emperor, her brother, Theodosius. The character she gave made such an impression on him that he desired his sister to bring her away immediately to the lodging of his friend, Paulinus, where he found her beauty and her conversation beyond the highest

idea he had framed of them. His friend, Paulinus, converted her to Christianity and gave her the name of Eudisia; after which the Emperor publickly espoused her, and enjoyed all the happiness in his marriage which he had promised himself from such a virtuous and learned bride. She not only forgave the injuries which her two brothers had done her, but raised them to great honours; and by several works of learning, as well as by an exemplary life, made herself so dear to the whole empire that she had many statues erected to her memory and is celebrated of the church as the Ornament of her Sex.

JOHN GRAHAM.

July 30, 1776.

TABLE OF CONTENTS

VOLUME XVIII

	PAGE
Isaac Shelby—Part II-----	3- 56
BY ARCHIBALD HENDERSON	
Negro Soldiers -----	57- 62
BY CHIEF JUSTICE WALTER CLARK	
North Carolina's Dead-----	63
Other North Carolina Heroines-----	64- 75
BY MARY HILLIARD HINTON	
History of the Superior and Supreme Courts of North Carolina	79-104
BY CHIEF JUSTICE WALTER CLARK	
William Bryan of Craven County, Brigadier-General in the American Revolution -----	105-115
BY WILLIAM HOLLISTER	
For Whom Was Edgecombe County Named?-----	116-119
BY GASTON LICHTENSTEIN	
Biographical and Genealogical Memoranda-----	120-121
BY MRS. E. E. MOFFITT	
John Steele -----	123-133
BY ARCHIBALD HENDERSON	
Thomas Benbury—a Brigadier-General of the American Revo- tion -----	134-142
BY EMILY RYAN BENBURY HAYWOOD	
The Trial of Henry Wirz-----	143-156
BY SARAH W. ASHE	
John Steele—Part II-----	159-177
BY ARCHIBALD HENDERSON	
Life and Services of Colonel Jonas Johnston-----	178-187
BY KEMP DAVIS BATTLE	
A Composition (1776)-----	188-192
BY JOHN GRAHAM	

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