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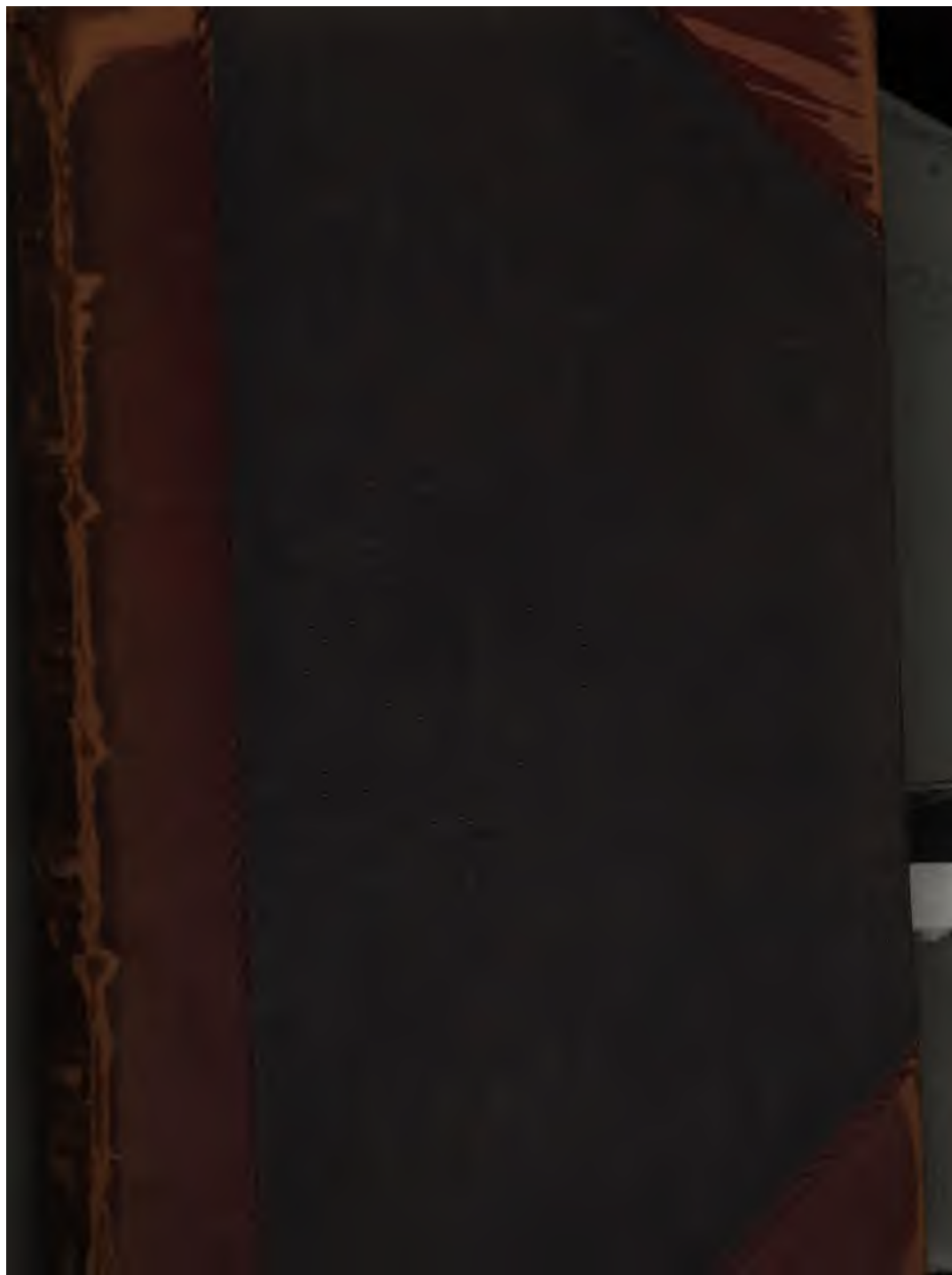
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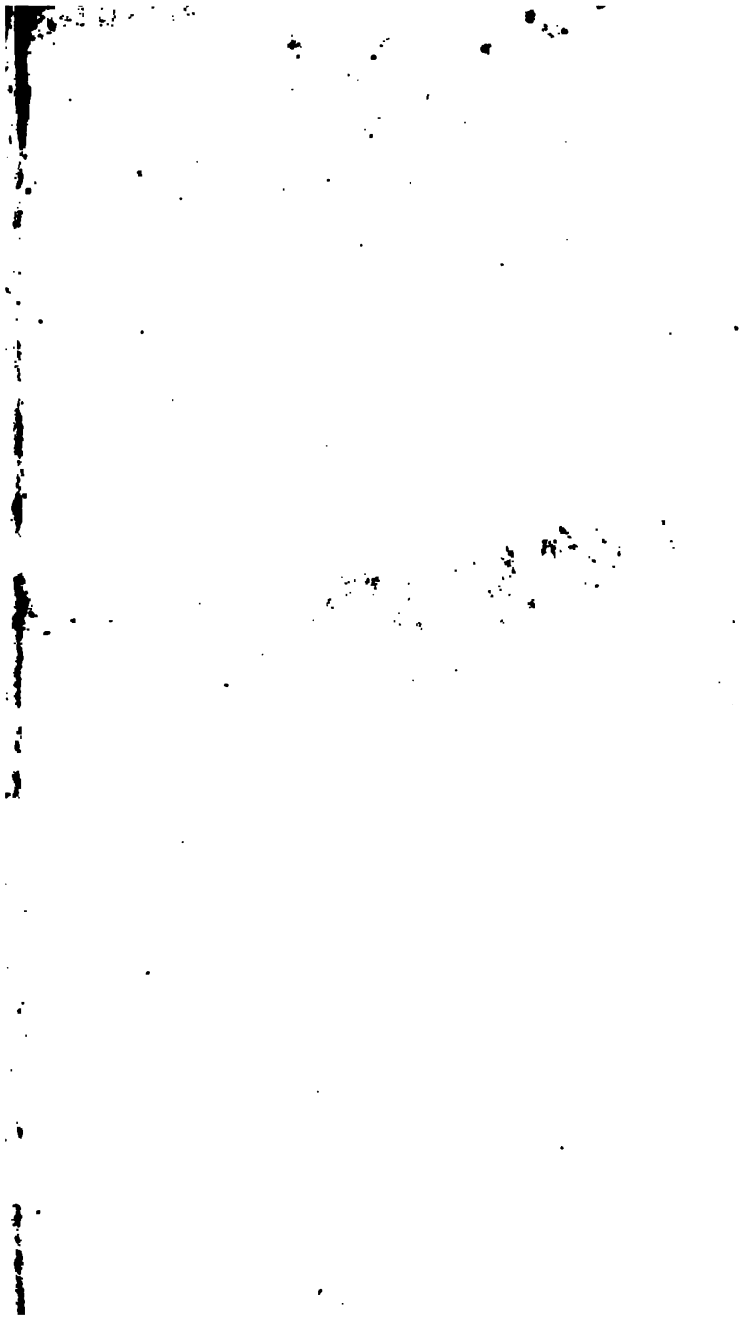
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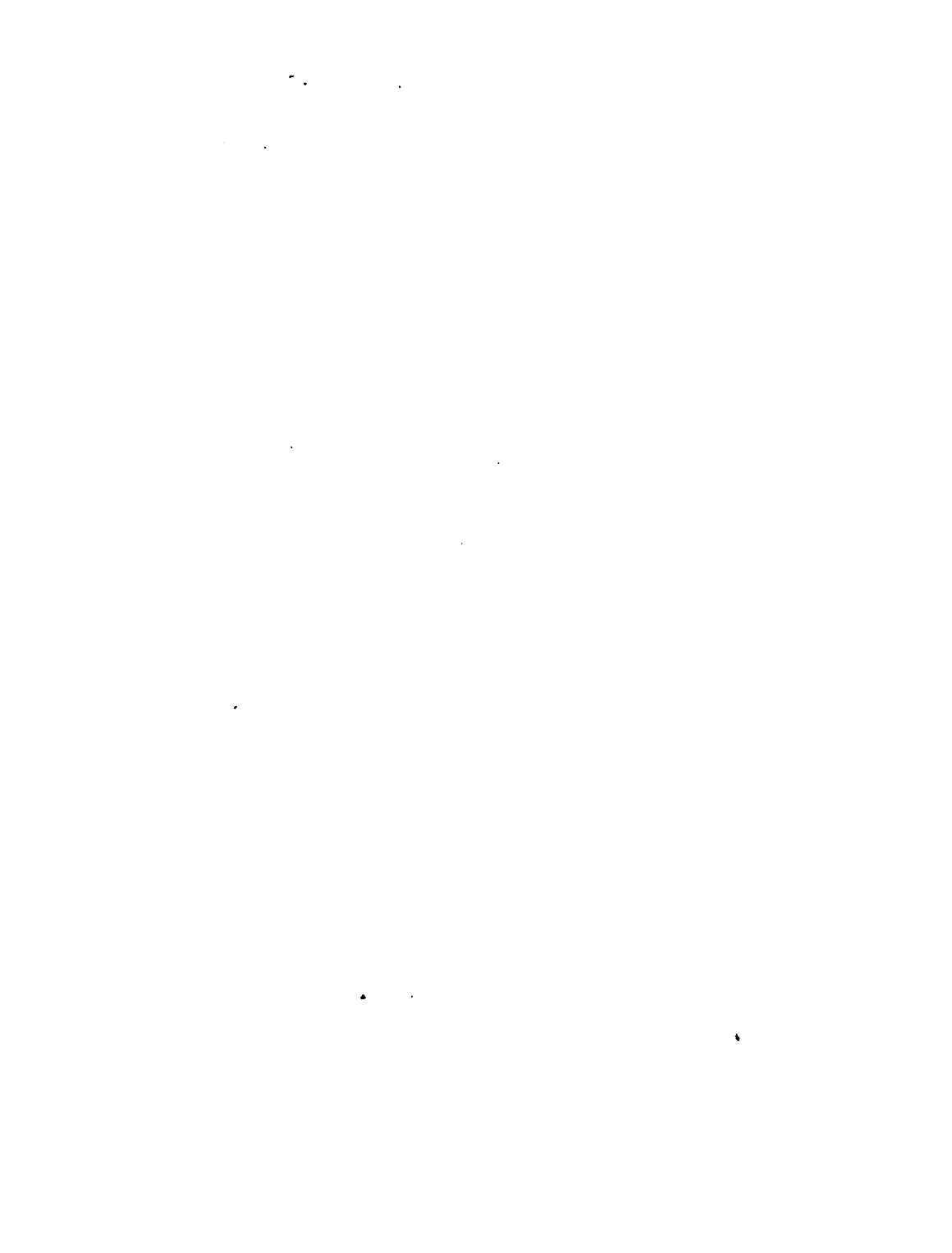




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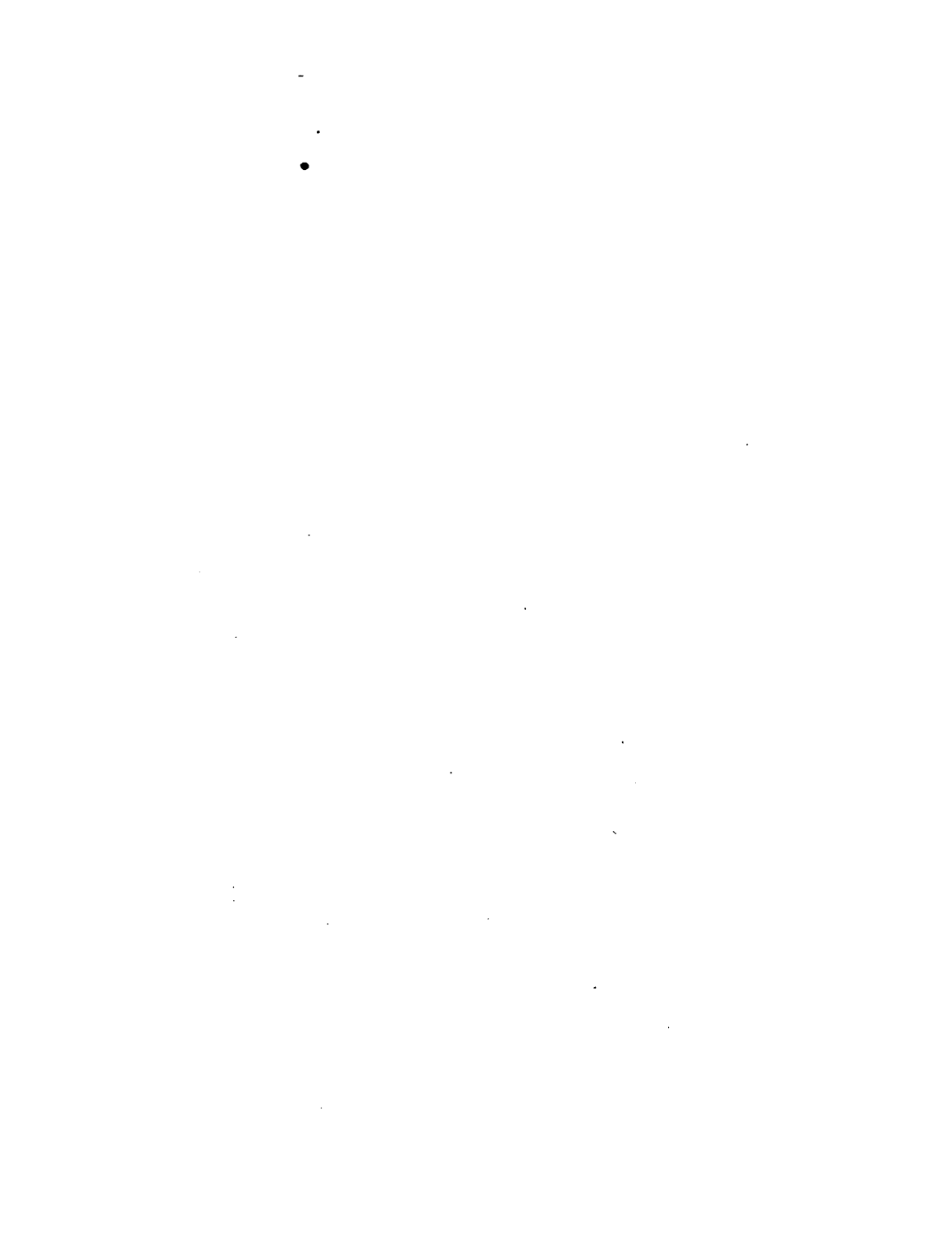
DEFENCE  
OF THE  
REVOLUTIONARY HISTORY  
OF THE  
STATE OF NORTH CAROLINA.

10



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10



A  
DEFENCE  
OF THE  
REVOLUTIONARY HISTORY  
OF THE  
STATE OF NORTH CAROLINA

FROM THE ASPERSIONS OF MR. JEFFERSON.

BY JO. SEAWELL JONES,  
OF SHOCCO, NORTH CAROLINA.

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*Gloria est consentiens laus bonorum, incorrupta vox bene judicantium de eccellente virtute. — Cic. Tuscul. III. c. 2.*

*Hic simiolus persuaserat nonnullis invidis meis. — Cic. Fam. epist. 2.*

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TO

MAJOR WILLIAM GIBBS M<sup>c</sup>NEILL, U. S. A.,  
OF NORTH CAROLINA.

Tremont House, February 1, 1834.

MY DEAR M<sup>c</sup>NEILL, -

I dedicate to you this volume, written in the defence of the State of North Carolina, a portion of the Union, to us consecrated by the most endearing recollections of birth and childhood. She is the mother country of your sires as well as of yourself, and thus doubly deserves that devoted affection, which it is your boast so long to have cherished for her. In thus dedicating the work, I own, I am anxious publicly to acknowledge my heavy obligations to you, for a long, sincere, and social friendship, and to congratulate my countrymen, that they are represented in the polite society of Boston, by a gentleman, distinguished, not only for his unwavering and honorable deportment in every crisis, but for the highest professional attainments, and for the space which he fills in the affectionate regard of so many of the most eminent gentlemen of the eastern metropolis of our country.

I shall embrace the present occasion to offer a few remarks on the history of North Carolina, which could not find an appropriate page in the body of the work, and which would perhaps be considered as of rather too personal a nature, for a prefatory address to the reader. To you

as a friend and fellow-citizen, they may be properly addressed, and thus published to the people of the State.

Who, even in North Carolina, recurs to the characters of our illustrious dead? Of those who stood forth for their country in the darkest hour of the war, and who fought with a courage worthy of the glory of their cause? Of Harvey, Johnston, Harnett, Hooper, Jones, and Iredell, in the cabinet; of Howe, Lillington, Ashe, Caswell, Moore, and Rutherford, in the field? — men whose zeal but increased with the thickness of the dangers that clouded the destiny of the New World. Statesmen and festival orators, alike with the school-boy declaimer, are mute as to their valor, virtue, or fame. The character of Mr. Jefferson is a more fruitful source of panegyric than that of Harnett, Hooper, or Harvey, and the reputation of a zealous idolater a more enviable prize than that of a defender of the State. I do bewail this indifference to the superior claims of our own sires; for it is by appealing to *their* sacrifices and hardships that public spirit is best kept alive, and a laudable pride to elevate the character of our government is best sustained.

Extinguish this feeling of veneration for the character of our ancestors, and you vitally assail the honor of the State, corrupt and degrade the people, and by degrees inure them to the control of a foreign demagogue. In the winter of 1775 and 1776, when the armies and fleets of Lord Dunmore infested the streets and harbour of Norfolk, General Howe of North Carolina marched to its relief, and repelled the invader. The soldiers of the State contributed to the defence of Charleston against the armament of Sir Peter Parker, in June 1776; and yet the descendants of those heroes must appeal to the history of the adjacent States, for bright examples of American valor. Is there nothing in the victories achieved by Howe, Lillington, and Caswell, or in the Mecklenburg Declaration of Indepen-

lence, the zeal of Hooper in the same cause, and the resolution of the Congress of North Carolina in April 1776, to arouse the enthusiasm of the people of the State? It is a recollection of these honorable events in our history, that warms the bosom of the patriot soldier in the midst of great public distress, and that, even when the liberties of the people are overwhelmed, will inspire him with a hope of renown, in the regeneration of his country. The spirit of Leonidas, after a slumber of ages, has marched triumphantly through Greece, and, sweeping, in its resistless progress, the strongest bulwarks of Turkish despotism, has established the foundations of a Greek Empire. Upon what more durable basis does the government of England stand than this feeling of national greatness? Proud of the origin of his nation, of the victories that blaze on the page of his country's history, of the extent of her empire, and of the antiquity and splendor of her government, a Briton clings to his country with filial affection, and woos even death itself, to elevate and sustain her honor. Extinguish this spirit in the British nation, and old England, proud as she is, with her centuries of glory, her noble peerage, her splendid judiciary, the Gibraltar of her constitutional liberty, and all her time-worn institutions, glides from her lofty throne, and like an Alpine avalanche, that buries every thing in its tremendous fall, melts away into the stream, and hurries downward to the ocean of time.

It is because I believe that Mr. Jefferson contributed to smother this public spirit in North Carolina, that I have held up his name as deserving the execration of every native citizen of the State. Mark the history of his influence among us. In 1801, the period of his boasted victory, what was the condition of our State? Who were her great men?—who her political leaders? Governor Johnston, General Davie, James Iredell, Alfred Moore,

Archibald Henderson, were among the signs of our political zodiac, whose lustre was obscured by the ascent of this most "malign influence." The virtue and ability of the State, which had opposed the elevation of Mr. Jefferson, were overlooked and thrust aside, to make way, let history say for whom. From the moment of his triumph in the elections of the State, the energies and resources of the people were forgotten; the talents of our country, as well as its physical improvement, neglected; and the aid of every voice invoked, to swell the funeral cry of the characters of our own forefathers.

It is said that "the brilliant thunderbolt is the child of the storm," and that political convulsions fling out the genius of a country, fined from the heat of the strife. But you will search the history of the State in vain for any such exhibitions from the crowded ranks of the Jeffersonian cohort. Not an instance can be found; and the fact is too notorious in North Carolina to need any appeal to individuals or circumstances. The influence of Mr. Jefferson and his party, disguise it as you will, was a paralysis upon the very vitals of the State. It cramped the nerves, stupefied the brain, obscured the vision, and almost arrested the pulsation of the heart. The brute part of our nature alone was left unhurt and unscathed by the ravages of this most degrading leprosy. It was as if the angel of death had spread his wings on the blast, and withered even the green sod that decked the graves of our heroic fathers.

It is for the purpose of bringing to light "the proud historic deeds" of our ancestors, that I have written this book. I appeal from the living to the dead, to justify the eulogy which it pronounces upon the character of the State. I have hoped too that a recollection of their virtues might inspire us with a zeal to transmit to another generation the escutcheon of the State, bright as it was when it came

from the hands of the heroes of Seventy-six. I invoke the coöperation of the people of the State, in the regeneration of our native country; not only in the exposition of its history, but in the improvement of its moral, intellectual, and physical condition.

In the accomplishment of such a duty, whilst I know, my dear Sir, I have your best wishes as a friend, and your warmest thanks as a native North-Carolinian, I must still lament the absence of that professional skill, by the home employment of which, our physical condition might be so much improved. Wishing you, however, whether in North Carolina or Massachusetts, that success in all your undertakings, to which your merits so justly entitle you,

I have the honor to subscribe myself

your affectionate friend,

JO. SEAWELL JONES.

ERRATA.

<i>Page 112, line 15, for law</i>	<i>read lace</i>
" 129, " 18, " Spurill	" Spruill
" 220, " 1, " AND	" OF
" 249, " 3, " 11th of March	" 26th of February*
" 325, " 24, " <i>creviz (in a few copies)</i>	" <i>cervix</i>

\* The battle of Moore's Creek was fought on the 27th of February, 1776, and the letter of Mr. Ashe, alluded to on page 249, was dated on the 11th of March; thus the error in the text.

# CONTENTS.

---

INTRODUCTION . . . . .	1
------------------------	---

## PART I.

A HISTORY OF THE ADMINISTRATION OF JOSIAH MARTIN, THE LAST OF THE ROYAL GOVERNORS, AND THE DOWNFALL OF THE ROYAL GOVERNMENT OF NORTH CAROLINA. . . . .	17
---	----

### CHAPTER I.

THE CHARACTER OF GOVERNOR TRYON . . . . .	17
---	----

### CHAPTER II.

THE ADMINISTRATION OF GOVERNOR MARTIN . . . . .	66
---	----

### CHAPTER III.

THE SAME . . . . .	120
--------------------	-----

### CHAPTER IV.

THE SAME . . . . .	151
--------------------	-----

### CHAPTER V.

THE SAME . . . . .	156
--------------------	-----

### CHAPTER VI.

THE SAME . . . . .	172
--------------------	-----

<b>CHAPTER VII.</b>	
<b>THE NEW WHIG GOVERNMENT . . . . .</b>	<b>193</b>
<b>CHAPTER VIII.</b>	
<b>THE SAME . . . . .</b>	<b>217</b>
<b>CHAPTER IX.</b>	
<b>THE SAME . . . . .</b>	<b>229</b>
<b>CHAPTER X.</b>	
<b>THE SAME . . . . .</b>	<b>239</b>
<b>CHAPTER XI.</b>	
<b>THE SAME . . . . .</b>	<b>251</b>
<b>CHAPTER XII.</b>	
<b>THE SAME . . . . .</b>	<b>265</b>
<b>CHAPTER XIII.</b>	
<b>THE CONSTITUTION OF NORTH CAROLINA . . . . .</b>	<b>272</b>

---

## PART II.

<b>THE MECKLENBURG DECLARATION OF INDEPENDENCE, ON THE 20TH OF MAY, 1775 . . . . .</b>	<b>294</b>
--	------------

---

## PART III.

<b>THE CHARACTER OF WILLIAM HOOPER . . . . .</b>	<b>309</b>
--	------------

---

## APPENDIX.

<b>THE MILITARY ORGANIZATION OF THE STATE IN 1775 AND 1776 . . . . .</b>	<b>333</b>
<b>THE BATTLE OF MOORE'S CREEK . . . . .</b>	<b>341</b>



## INTRODUCTION.

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ON the 20th of May, 1775, the people of the county of Mecklenburg in North Carolina, in convention assembled, declared themselves free and independent. They in the most solemn and unanimous form abjured all allegiance to the British king, and instituted a system of government independent of the authority of the Royal Governor. These remarkable proceedings are not recorded by any of our early historians, and have lived only by memory and tradition among the people of North Carolina. I own, that it is surprising so important an event should have escaped the vigilance of so many writers. The people of North Carolina too were content that the matter should sleep nearly half a century, and even then, that it should be produced on the perishable pages of a newspaper. On the 30th of April, 1819, the worthy editor of the "Raleigh Register" introduced the subject to the notice of his readers, acknowledging in an editorial article, that it was not generally known to the world, but declaring that he had it from most unquestionable authority, and that he published it that it might go down to posterity. This article was extensively copied in the papers of the Union, and a copy of the "Essex Register" of Salem, Massachusetts, being sent by the late John Adams to Mr.

Jefferson, provoked the following letter, which, as I am about to make it the subject of a critical examination, I shall here insert at length.

“ TO JOHN ADAMS.

“ Monticello, July 9, 1819.

“ Dear Sir,

“ I am in debt to you for your letters of May the 21st, 27th, and June the 22d. The first, delivered me by Mr. Greenwood, gave me the gratification of his acquaintance; and a gratification it always is, to be made acquainted with gentlemen of candor, worth, and information, as I found Mr. Greenwood to be. That on the subject of Mr. Samuel Adams Wells, shall not be forgotten in time and place, when it can be used to his advantage.

“ But what has attracted my peculiar notice, is the paper from Mecklenburg county, of North Carolina, published in the ‘Essex Register,’ which you were so kind as to enclose in your last, of June the 22d. And you seem to think it genuine. I believe it spurious. I deem it to be a very unjustifiable quiz, like that of the volcano, so minutely related to us as having broken out in North Carolina, some half dozen years ago, in that part of the country, and perhaps in that very county of Mecklenburg, for I do not remember its precise locality. If this paper be really taken from the ‘Raleigh Register,’ as quoted, I wonder it should have escaped Ritchie, who culls what is good from every paper, as the bee from every flower; and the ‘National Intelligencer,’ too, which is edited by a North-Carolinian: and that the

“ fire should blaze out all at once in **Essex**, one thousand  
“ miles from where the spark is said to have fallen. But  
“ if really taken from the ‘**Raleigh Register**,’ who is the  
“ narrator, and is the name subscribed real, or is it as  
“ fictitious as the paper itself? It appeals, too, to an origi-  
“ nal book, which is burnt, to **Mr. Alexander**, who is  
“ dead, to a joint letter from **Caswell, Hughes, and**  
“ **Hooper**, all dead, to a copy sent to the dead **Caswell**,  
“ and another sent to **Doctor Williamson**, now probably  
“ dead, whose memory did not recollect, in the history he  
“ has written of **North Carolina**, this gigantic step of its  
“ county of **Mecklenburg**. **Horry**, too, is silent in his  
“ history of **Marion**, whose scene of action was the coun-  
“ try bordering on **Mecklenburg**. **Ramsay, Marshall,**  
“ **Jones, Gerardin, Wirt**, historians of the adjacent States  
“ all silent. When **Mr. Henry’s** resolutions, far short of  
“ independence, flew like lightning through every paper,  
“ and kindled both sides of the Atlantic, this flaming de-  
“ claration of the same date, of the independence of **Meck-**  
“ **lenburg county**, of **North Carolina**, absolving it from the  
“ **British** allegiance, and abjuring all political connexion  
“ with that nation, although sent to **Congress**, too, is never  
“ heard of. It is not known even a twelvemonth after,  
“ when a similar proposition is first made in that body.  
“ Armed with this bold example, would not you have ad-  
“ dressed our timid brethren in peals of thunder, on their  
“ tardy fears? Would not every advocate of indepen-  
“ dence have rung the glories of **Mecklenburg county**, in  
“ **North Carolina**, in the ears of the doubting **Dickinson**  
“ and others, who hung so heavily on us? Yet the ex-  
“ ample of independent **Mecklenburg county**, in **North**  
“ **Carolina**, was never once quoted. The paper speaks,

“ too, of the continued exertions of their delegation (Cas—  
 “ well, Hooper, Hughes,) ‘in the cause of liberty and  
 “ independence.’ Now you remember as well as I do,  
 “ that we had not a greater tory in Congress than Hooper =  
 “ that Hughes was very wavering, sometimes firm, some—  
 “ times feeble, according as the day was clear or cloudy ;  
 “ that Caswell, indeed, was a good whig, and kept these  
 “ gentlemen to the notch, while he was present ; but that  
 “ he left us soon, and their line of conduct became then  
 “ uncertain until Penn came, who fixed Hughes, and the  
 “ vote of the State. I must not be understood as suggest—  
 “ ing any doubtfulness in the State of North Carolina.  
 “ No State was more fixed or forward. Nor do I affirm,  
 “ positively, that this paper is a fabrication : because the  
 “ proof of a negative can only be presumptive. But I  
 “ shall believe it such until positive and solemn proof of its  
 “ authenticity shall be produced. And if the name of  
 “ McKnitt be real, and not a part of the fabrication, it  
 “ needs a vindication by the production of such proof.  
 “ For the present, I must be an unbeliever in the apocry—  
 “ phal gospel.

“ I am glad to learn that Mr. Ticknor has safely re—  
 “ turned to his friends ; but should have been much more  
 “ pleased had he accepted the Professorship in our Uni—  
 “ versity, which we should have offered him in form.  
 “ Mr. Bowditch, too, refuses us ; so fascinating is the  
 “ *vinculum* of the *dulce natale solum*. Our wish is to pro—  
 “ cure natives, where they can be found, like these gen—  
 “ tlemen, of the first order of acquirement in their re—  
 “ spective lines ; but preferring foreigners of the first  
 “ order to natives of the second, we shall certainly have  
 “ to go, for several of our Professors, to countries more  
 “ advanced in science than we are.

“ I set out within three or four days for my other home,  
“ the distance of which, and its cross mails, are great  
“ impediments to epistolary communications. I shall  
“ remain there about two months ; and there, here, and  
“ every where, I am and shall always be, affectionately  
“ and respectfully yours.

“ TH : JEFFERSON.”

It will be observed that Mr. Jefferson doubts not only the truth of the Mecklenburg Declaration, but the sincerity of the publication in the “Essex Register,” purporting to be an extract from the Raleigh paper. He thinks it a most unjustifiable quiz, and compares it to the volcano which once broke out in the papers of North Carolina. He thinks it absolutely false, because it escaped the dim observation of his friend Mr. Ritchie, whose curiosity in the history of North Carolina was never before heard of or even suspected. His only interest in the State is to be found on the subscription-list of the “Enquirer,” a paper which is but seldom adorned with any thing relating to North Carolina, except the report of political meetings, in which Virginia and her sons are lauded. If the “Raleigh Register” had published an article in favor of any of the various principles of the Virginia school of politics, it would have been found on the front column of the next “Enquirer,” with some word of *hurra* for the old North State. But every thing appertaining to the dignity of the good old North State is carefully kept out of sight, and every political movement contrary to the decree of the Richmond Junto, is hinted at as Federalism, Monarchy, or Treason. For my own part, I am willing, thus publicly, to lament the dominant

influence of the Virginia Republican party over the state of North Carolina. I do look upon it as the most fatal stroke ever aimed at the dignity and honor of my own country, and I would willingly lay the first stone of a Chinese wall to divide for ever the physical and intellectual resources of the two states.

Mr. Jefferson in his letter admits, that, if this Mecklenburg declaration of independence is true, it is entitled to far greater applause than the celebrated resolutions of Mr. Henry, "which flew like lightning through every paper, and kindled both sides of the Atlantic." "Would not every advocate of independence," he exclaims, "have sung the glories of Mecklenburg county, in the ears of the doubting Dickinson and others, who hung so heavily on us!" I rejoice, that he gave this public and most explicit testimony, as to its importance, and shall claim for the heroes of the 20th of May, 1775, the high rank which they deserve on the page of American history.

But the most astonishing part of this letter is its gross abuse of the character of William Hooper, one of the Signers of the National Declaration of Independence from North Carolina. I cannot account for it in any way. I have corresponded with every living contemporary of Mr. Hooper, and invited a true opinion as to his character, and in every instance have received in the most unqualified terms the most favorable notices of his political standing. I have myself questioned every old man and old woman from Cape Hatteras to the Blue Ridge, and have never heard a single word which would support the shameful calumny of "rank toryism."

During the session of the General Assembly of North Carolina, in 1830 and 1831, this letter of Mr. Jefferson

attracted the notice of that body, and the Governor was authorized to publish a pamphlet in defence of the State. This paper appeared during the year 1831, and contained numerous depositions of living men, as to the truth of the Mecklenburg Declaration. Personal testimony, however, is always weak, as the memory of man is fallible; and although a citizen of North Carolina, acquainted with the high character of the deponents, may be entirely satisfied with such testimony, yet a distant historian will demand some contemporary record, as the best evidence in the case. The State of North Carolina, then, and Thomas Jefferson are at issue as to the truth of the asseverations contained in this letter. I shall go into the investigation of the merits of this controversy with no other view than the defence of the State by the ascertainment and exhibition of truth, and shall feel myself at liberty to animadvert with the most perfect freedom where animadversion is necessary. Disposed as I am to yield all due applause to Mr. Jefferson for whatever services he may have rendered to his country, I shall nevertheless studiously avoid any of that idolatrous homage to his name, without which I am aware my orthodoxy will be disputed.

If, therefore, in the course of my research, I shall find deliberate error in his opinion, I shall not hesitate to cry aloud and spare not, — for the matters touched on in his letter are grave and important, and upon the truth of them the honor of the State is at stake. I am perfectly prepared for the consequences of this course, and anticipate, without the slightest apprehension, all those epithets which it is usual to apply to every writer who assails the character of the dead. I esteem the reputation of Mr. Hooper, however, as sacred as the most slavish worshipper of Mr.

Jefferson can esteem that of *his* master, and am not willing that North Carolina should submit to insult from any quarter, whether consecrated by the solemnities of the tomb or the idolatry of the people. I yield no faith whatever to the contents of the four volumes of his writings. Private and political scandal, truth, religion, infidelity, federalism, republicanism, and Jacobinism, are all conglomerated there, — as if the Sage of Monticello had devoted the whole evening of his life to the collection and endorsement of principles of every kind, from the purest tenet of religion to the most disgusting absurdity of the basest and most abandoned profligacy. And yet, dispute one word of the four volumes of this political Koran, or doubt, for a moment, the immaculate purity of the character of its author, and you have not only all the rabble of the celestial empire, but all the great Images of the Prophet, who have gone or are going into power, on the strength of his name, roaring out Aristocracy, Federalism, Nullification, or any other unpopular word, suited to sustain them in their places. It may be confidently asserted, that the whole range of history does not exhibit an instance of baser subserviency, not only of many, as individuals, but of the nation at large, — than the overpowering influence of the mere name of Jefferson. Such is its amazing power, that no party of the present day aspires to popular favor through any other channel, and National Republican, as well as Jackson, Bucktail, and Anti-bucktail, all piously claim for their priesthood the purest legitimacy of descent. The people have placed him upon the throne of public opinion, and the statue of Washington is burnt, broken, and scattered into fragments. It is time to have done with this delusion. The lives of



the eminent and patriotic, whose biographies have not been written, should be studied and examined with an especial view to correct the errors, conspicuous from one end to the other of "the writings of Jefferson." If the pen of their calumniator is to perform this task, and his works go down to posterity as truth, the patriots of our revolution will be ranked by posterity, not as American statesmen, but as traitors to their country. The names of Washington, Hamilton, Richard Henry Lee, Marshall, Story, Henry Lee, Bayard, and a host of others, comprising the talents civil and military of the whole Union, are the companions of William Hooper in the almost universal calumny of his pen.

This letter, then, assails the character of North Carolina, by grossly abusing the reputation and fame of one of her most distinguished and beloved sons, and by doubting in a sneering and contemptuous manner, one of the most honorable events in her history. The disclaimer of "any doubtfulness in the State of North Carolina," instead of softening the asperity of the charges, imparts a deeper malignity and stamps its charitableness with duplicity. If William Hooper was a tory, and North Carolina commissioned him to sign, on her behalf, the national Declaration of Independence, the State and the Delegate were alike sinful. If the staunch whigs, Caswell and Penn, permitted their associate to play the double part of a tory in Congress and a whig at home, they, too, must share the load of iniquity, and be condemned, notwithstanding the approbation of Mr. Jefferson. The indiscriminate publication of Mr. Jefferson's writings has been deprecated by many of his friends, and even his most devoted servants are cautious in subscribing to so voluminous a creed. In private

moments devoted to the interchange of confidential opinions, few politicians have ventured to support the propriety of their publication, or the truth of their contents. On two occasions already the veracity of their author has been successfully questioned. The friend\* of Bayard, and the descendant of General Lee, have each controverted the truth of his statements, and while the Journals of the Senate of the United States will serve as an imperishable monument of the innocence of the one, a volume distinguished for its ingenuity and severity will support the abused reputation of the other. Ambitious of a similar distinction, and possessing ample materials for such a task, I shall endeavour, in this volume, to vindicate the character of my native State from the sly insinuations and malignant aspersion of his "philosophic pen." The labor is simple and easy,—the reward, the gratification of my own feelings in contributing an humble mite to uphold the dignity of North Carolina and the fame of many of her worthiest sons. In the performance of the duty thus assumed, prudence would induce me to lament the position of the parties. Throughout one of the most violent party wars, that ever agitated our country, North Carolina firmly supported those political principles, the success of which lifted Mr. Jefferson above the heads of his associates, and made his posthumous slanders respectable. By his superior dexterity as a party leader, he contrived to command the servitude of many of my fellow citizens,

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\* In the spring of 1830, Mr. Clayton, of Delaware, called upon Mr. Livingston and General Smith, to say whether the charge of Mr. Jefferson against Bayard was true, they having been cited by their great master, as authority. Both gentlemen stoutly denied any knowledge of the circumstance.

who were independent of every other power but the influence of his name, which gave them popularity and preference. I may lament the wide difference of opinion which exists between such of my fellow citizens and myself, but owe no respect to the idol whom they worshipped, nor do I reverence his decrees.

My volume will be divided into three parts. The first will comprise a compendious history of the Revolution in North Carolina to the period of the national Declaration of Independence. The second will be found to contain the most indisputable evidence of the truth of the Mecklenburg Declaration, as well as of the authenticity of the resolves now denominated the Mecklenburg Declaration of Independence. The third and last chapter will be devoted to the defence of the character of William Hooper. He is denounced by Mr. Jefferson as the rankest tory in the Congress of Seventy-six. I shall contradict this naked assertion by a short sketch of his political character, and illustrate his patriotism by an exhibition of many of his private letters, written during the term of his service in the continental Congress.

The reader who shall follow me through my undertaking will acknowledge the inutility of Mr. Jefferson's disclaimer, that there was no doubtfulness in North Carolina. The history of the State is unknown. The great events of her annals are buried amidst the musty papers of her ancient families, and are not celebrated by the "historians of the adjacent States," because they were ignorant or careless of their existence. The object of many of the writers on American history, like that of Gerardin and Wirt, was to exalt some particular character, by assuming for their heroes the laurels which should have been awarded to the

merit of their contemporaries. Who could have expected the biographer of Patrick Henry, and the disciple of Mr. Jefferson, while composing a work with a view of establishing the Virginian origin of our national independence, to have introduced his readers to such an event as that of the Mecklenburg Declaration, or the resolution of the provincial Congress of North Carolina, adopted on the 12th of April 1776, instructing the delegates of the State in the continental Congress to declare "Independency." The knowledge of these facts would have rendered the work of Mr. Wirt ridiculous, and that of Gerardin what it is, — a silly and contemptible libel upon the character of history. The letter of Mr. Jefferson reposes especial confidence in the circumstance, that no mention of the Mecklenburg declaration is made by Ramsay, Marshall, Jones, Gerardin, or Wirt, — "historians of the adjacent States." Who is or was Gerardin? — "A man of letters," undoubtedly, as he wrote the History of Virginia, before he had lived in the country long enough to learn the fallibility of Mr. Jefferson's testimony, and who gathered all he did write from the oracle of Monticello. A French emigrant who traversed the State of Virginia, as a pedagogue, and who wrote his history for the low purpose of flattering the vanity, and apologizing for the cowardice, of one of her most distinguished sons.

What confidence is to be placed in the statements of such a man? Are historical facts involved in the annals of another people to be doubted, because they are not noticed in the productions of an author, who depended upon another even for the plan of his operations, and who was grossly ignorant even of the people whose history he had the impudence to write? Gerardin may have been

good authority on the language or "*frivolous amusements*" of France, but I shall presume to question his pages on American history, whenever they are contradicted by any other authority. Ignorant as he was of the early settlement and traditions of the country, he was unfit for the task he assumed, in the execution of which he lost the respectable and independent character of an instructor, to become the hireling scribbler of Mr. Jefferson. His whole work is but the echo of his patron, and was no doubt composed to cover the conspicuous sins of Governor Jefferson. The object of Mr. Wirt, who derived his materials from Mr. Jefferson, was to concentrate in Virginia, through the instrumentality of his subject and his patron, the glory of conceiving and establishing the independence of the country. Both of these historians of the adjacent state were indebted to Mr. Jefferson for manuscript materials, and issued their volumes under the sanction of his name. Gerardin's work is especially recommended as containing a faithful history of his administration as governor of Virginia, and the subsequent publication of his "Writings" incontestably establishes a most intimate agency even in the composition of the "Life of Patrick Henry." \*

The letter of Mr. Jefferson suggests against the Mecklenburg Declaration, that the memory of Dr. Williamson did not recollect, in the history he had written of North Carolina, this gigantic step of its county of Mecklenburg. Observing the tenor of this remark, I do not hesitate to say, that the pages of Williamson were never perused by the Sage of Monticello, for any other purpose than the ascertainment of the fact which he has stated. But if he had ever,

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\* See Writings of Jefferson, Vol. I. p. 95.

at any period of his life, perused, even in the most negligent manner, the pages of that author, I must charge him with the grossest hypocrisy. The work of Williamson is superior only to that of Gerardin, and absolutely inferior to every other production on American history. The Doctor never intended to write the history of North Carolina, from the earliest periods to the administration of Mr. Jefferson, or any other President, but left it at the suppression of the Regulation, in 1771. The work is finished off with a dissertation on the fevers which prevailed in the State, during the residence of the author; and a mere notice of the administration of Governor Martin, the last of the Royal governors, with an allusion in general terms to the causes which drove him out of the state, — is the only sketch of the revolution to be found in the two volumes of Williamson. Would any reader of history consult such a book to prove or condemn the truth of an event which took place four years after the date of its conclusion? The Mecklenburg Declaration was made on the 20th of May, 1775, and Williamson, concluding the details of his history at a period four years earlier, if he recollected, did not think it prudent to anticipate it, in a narrative, the composition of which he intended to bring down to the year 1790. Ill health fortunately prevented the continuation of a work, which reflected no lustre either on the author or the subject.

The circumstance of Ramsay and Marshall composing laborious treatises on the history of the Revolution, and not recording this “gigantic step of the county of Mecklenburg,” is no evidence that the step was never taken, but only that the fact was not recorded in any of the histories of the day. I am perfectly convinced that neither

**of these distinguished writers was ever satisfied of the truth of the fact ; but in North Carolina, we all know that Williamson was in the possession of a copy of the proceedings of the people of Mecklenburg, for many years before he died. Had he continued his work, the Mecklenburg Declaration would undoubtedly have occupied its proper place in the annals of the state, and have been as well known as any other event recorded by his pen. Nor is the truth of the Mecklenburg Declaration to be questioned on the ground of the silence of contemporary authors. Many of the proudest events of our history are but the visions of pride or prejudice, if this principle is to be adopted. Upon it each and every event of the revolutionary history of North Carolina must be condemned as apocryphal. The native historians of the United States, whenever they have touched upon the history of that state, have either drawn from the records of the adjacent states, or the pages of Tarleton's "Campaigns," which enumeration affords a fair estimate of their materials. If any fact of American history is true, it is, that on the 12th of April, 1776, the Congress of North Carolina "empowered their delegates to declare independency," and yet Horry, in his life of Marion, is silent, Ramsay, Marshall, Jones, Gerardin, and Wirt, historians of the adjacent states, all are likewise silent. Nor did even the memory of Doctor Williamson in the history, he wrote of North Carolina, recollect this gigantic step of the state. The reasons, upon which Mr. Jefferson doubts the Mecklenburg Declaration, are shallow, and the language, with which he chooses to express his suspicions, are indicative of a jealous and malignant spirit.**

**A national declaration of independence was first recommended by the Provincial Congress of North Carolina,**

and yet the state pride or ignorance of the historians of the adjacent states has attributed this high honor to Virginia. Prudence should have induced Mr. Wirt, before he had assumed for his hero and his patron all the merit of inducing a national declaration, to examine other sources of information than the manuscript furnished by Mr. Jefferson. It is the duty, and the most sacred duty, of the historian to preserve the integrity of history. His sins, though they may be concealed for the present by the influence of great names, will be exposed by the revolution of time. The papers in the State department of North Carolina would have taught the panegyrist of Virginia the weakness of her claims to the honor of conceiving the independence of the country, and have afforded him an opportunity of exhibiting an instance of the truth and candor of history. In the archives of the state and the desks of ancient families are now buried the story of the rise and progress of the state of North Carolina. Ignorance and wickedness may misrepresent with impunity the character of her history, if efforts are not made to break away the darkness which surrounds it; and such are the inducements to this publication.



## PART I.

### A HISTORY OF THE ADMINISTRATION OF JOSIAH MARTIN, THE LAST OF THE ROYAL GOVERNORS, AND THE DOWNFALL OF THE ROYAL GOVERNMENT IN NORTH CAROLINA.

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#### CHAPTER I.

In the course of the First Part of this volume, I shall invite the attention of the reader to many events, which are not to be found in the works of any of the "historians of the adjacent states," but which depend for their truth upon the more substantial evidence of contemporary authority. I shall be obliged frequently to refer to private papers, which I have been permitted to examine by the courtesy of friends, and hope that my effort to vindicate our common country will be a sufficient apology for the free and copious extracts, which I shall take the liberty to introduce.

From the 3rd of April, 1765, to the 1st of July, 1771, North Carolina was governed by William Tryon. During the whole term of his administration the public mind was successively agitated by the passage of the Stamp Act and the ravages of a civil war, known in the annals of the state under the name of the Regulation. In the course of that extraordinary rebellion, the public ear was

accustomed to the sound of war, and the military genius of the people encouraged and exercised. It prepared the young and ambitious for more important events, and was the school, in which many of those of whom I shall write, acquired the elements of a military education. Whilst public opinion was thus forming, Josiah Martin arrived in New Berne, and on the 11th of August, 1771, assumed the government of the province. It is from this period, that I shall commence a history of the Revolution in North Carolina, which I shall bring down to the 4th of July, 1776. The rise of the Revolution, the most instructive portion of our history, will be sketched, and the progress of the war detailed to a day illustrious as the birthday of our national independence.

The administration of Governor Tryon is an important period in the history of the state; and his private character is so much identified with many of the remarkable events of that day, that I shall pause for a few moments to canvass his merits as a civil and military officer. I shall subject him to a most rigid scrutiny, nor shall even the lovely and accomplished females of his family, his lady and her sister, Miss Esther Wake, escape that vigilant observation, which a faithful historian on all such occasions will always exercise. The proverbial influence of the fair sex, in matters of state, was well sustained by these two noble ladies; and the enthusiastic gallantry of a warm-hearted people estimated the character of their Governor, by the grace, beauty, and accomplishment, that adorned the domestic circle of his palace.

For the first two years of Tryon's administration, his head-quarters were on the Cape Fear, and during this time too the people of the province were engaged in a

violent opposition to the Stamp Act. It is in moments of peril, that the real character of a governor is best exhibited, and I shall select this as one of the two periods of his government, the discussion of which will best illustrate his merits as a civil and military officer. It was on the 10th of March, 1764,\* that Parliament resolved to raise a revenue in the colonies, and during the same year Tryon was appointed Lieutenant-Governor of North Carolina. It seemed as if the Bedford ministry had appointed him the Governor of the province to second, with the energy of a military officer, the dangerous project of imposing and collecting a system of colonial taxes. In these primitive resolutions, the propriety and mere abstract right of charging stamps were avowed in a distinct, substantive resolve, and were not incorporated into the act, which subsequently passed both Houses of Parliament, and on the 5th of the succeeding April received the assent of the King. The passage of this act aroused the suspicions of the colonies, and we find the popular House of the Assembly of North Carolina, on the 31st of October, 1764, some months before Tryon's assumption of the government, engaged in a quarrel with Governor Dobbs on its injustice and unconstitutionality. In their address of that date they say, "We observe our commerce circumscribed in its most beneficial branches, diverted from its natural channel, and burthened with new taxes and impositions laid on us without our privity or consent, and against what we esteem our inherent right and exclusive privilege of imposing our own taxes."

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\* Force's National Calendar, p. 13.

## THE CHARACTER OF

To which Governor Dobbs replied; "As to the other paragraphs of your address, as they have no reference to or are consistent with what I had recommended to you for your consideration, I shall return you no answer, but must only observe, that I know of no heavy tax attending the exports of this province, and therefore your complaint and excuse for not securing your navigation is without foundation." \*

In these disputes Tryon did not feel bound to take an active part; but the death of Governor Dobbs, on the 28th of March, 1765, left him at the head of the government, and no alternative but the support of the policy of the ministry. Independent of this quarrel on the subject of the legislation of Parliament, he inherited others of a still more serious nature from his predecessor. Ever since the great Enfield riot, which took place in the year 1759, the peace of the province had been disturbed by the ravages of mobs, and Tryon might well lament the difficulties of his situation in the general storm, which was gathering around him. The imbecility of Dobbs had encouraged the factious and discontented; and when his successor endeavoured to sustain the law against their disorders, he found them ready to resist with arms the very authority of the government. The oppressive taxes growing out of the French war, and the knavery of the officers of the law, were the subjects of their complaints, and out of this state of things grew the Regulation.

Lieutenant-Governor Tryon having been inaugurated Commander-in-chief of the province on the 3rd of April, 1765, met his first Assembly one month after the com-

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\* Journal of the Assembly, 1764.

mencement of his power. The public mind was much disturbed by rumors and reports from the North, that the Stamp Act had been passed by Parliament. This intelligence reached Wilmington shortly after the meeting of the Assembly; and such was the violence exhibited by the Members of the popular House, that Governor Tryon suddenly prorogued the legislative body, on the 18th of the same month, in which it had assembled. The popular House had but just replied to the opening speech of the Governor, and adopted the usual preliminary steps of legislation. Such was the excitement produced by the intelligence, that the Governor apprehended an overt act of treason; and, to arrest the disease in its incipient stage, he prorogued the Assembly. That Governor Tryon was much alarmed is most obvious from the fact, that he was afraid to meet another Assembly during the existence of the Stamp law. He was famed as an officer of undaunted courage, a gentleman of rank and honor, and may have recognised, in the violent zeal of the members of the popular House, an admonition not to be slighted, because it was the impulse of freedom. The Speaker of the popular House, John Ashe, pledged himself that he would resist the iniquitous law, and informed the Governor, that the people would support him in the holy cause. But for the prorogation of this Assembly, the attitude of the popular party represented by the popular House, would not have been less treasonable in the eyes of royalty, than was the Mecklenburg Convention.

The attitude, which the popular House would have taken, had the Governor permitted it to organize itself on the 30th of November, the day to which it was prorogued, would not have been less exceptionable. The elements

of revolution inherent in every community had been agitated, and were in motion, under the banner of chivalry and liberty. The Whig party had strengthened by the death of Governor Dobbs. Many of his coadjutors had been for years wearied with the insincere characters they were obliged to sustain to uphold an officer, to whom they were indebted for patronage and personal kindness. Colonel Waddell, who had hitherto belonged to the government party, was now zealous in the cause of the people, and even the relatives of the late Governor abandoned the principles of their patron and embraced the orthodox faith of the day. It is difficult at this period to say to what extent the denunciations of the whig party, which had grown up under the heaviness of the French war, and the domestic oppressions of the Courts and land agents, were carried. The royal party upbraided their conduct as treason, and contended that such language as prevailed was a violation of the oath of allegiance, a point of honor upon which, in every age, tyrants and slaves are tenacious. The people of the counties of Orange, Anson, Mecklenburg, and Granville, who had loudly complained against previous oppressions, now demanded of their fellow-citizens an acknowledgment of the truth of their predictions. They loudly called for immediate action; and, if that section of the state could have presented a single advocate of the Stamp Act, more respectable than a profligate and skulking attorney, or a menial slave of power, there would have been an overt act of war.

At the instance of the House of Representatives of Massachusetts, a General Congress of the Provinces convened in New York in the month of October. New-Hampshire, Rhode Island, North Carolina, and Georgia

were not represented in that body. North Carolina had no opportunity of electing delegates. The rash prorogation of the Assembly, and the refusal of the Governor to convene any other session, were the obvious causes of her not appearing on that occasion. The proposition of Massachusetts was to appoint committees from the popular Houses of each provincial legislative body, and a delegate coming with credentials directly from the people would not probably have been acknowledged. In November, 1766, in the first Assembly which met after the prorogation, the popular House regretted the long chasm in legislative action, because the province had not been able to act in concert with the sister colonies. This long chasm in legislation, however, was beneficial to the people in a pecuniary point of view. The Assembly had been prorogued before any of the usual tax-bills were proposed, and the Governor wisely determined to play the part of an economist in the midst of so much trouble. The Courts and officers, too, were honest and gentle through fear, and not an agent could be found to do the duty of his office.

In the course of the summer, great riots occurred in the county of Mecklenburg in consequence of an effort by "an agent of an agent" of a Mr. Selwyn, who had by some legerdemain acquired sufficient title to certain lands in that county to appoint an agent. This is one of the very few disturbances which occurred in the province during the years 1765 and 1766, which had no connexion with the Stamp Act. It is not possible to distinguish the different and distinct causes operating to excite the public mind during this period. The old Whig party was more violent under additional oppression, and the converts to their cause soon embraced the opinions and joined in the pro-

ceedings, which they once affected to despise as treasonable. An amalgamation of all parties was brought about by the passage of that fortunate bill. The people of North Carolina were never before so unanimous. The people of the United States were not so unanimous on the question of independence, as they were on the propriety of resisting the Stamp Act, nor are we ever likely again to exhibit in our history, the grand spectacle of an entirely united people. There was not even a "*doubting Dickin-son*" to be found, whose doubtfulness could be suggested with any shade of truth by the meanest authority of that day. All joined in giving a solemn assurance to the mother country, that the colonies would not be forcibly taxed, an assurance which was nobly, though not unanimously, enforced, and which achieved the freedom of America—

During the year 1765 meetings were held in various sections of the province to consult for the public good. In New Berne, Richard Cogdell, and on the Cape Fear, John Ashe, John Walker, and Colonel Hugh Waddell were the principal leaders. This last gentleman first discovered the approach of the Stamp ship, and to him we are indebted for a vigorous opposition to her approaches. He was an officer of great reputation during the French war, and commanded a regiment of Southern soldiers at the defeat of General Braddock. During the life of Governor Dobbs he was a zealous supporter of the measures of his government, and had thus become somewhat unpopular among the Whigs of that day. On the death of his old friend, however, he deserted the government party and became one of the most active opponents of the Stamp Act and other measures, opposition to which was the test of sound principles. On gaining in-



formation of the approach of the Stamp ship, Colonel Waddell commenced collecting armed men, and despatching messengers to disseminate the intelligence. In a few days Colonel John Ashe, whose Carolina feeling was proverbial, had embodied a company of the Militia of New Hanover, and held himself ready for battle. The Proclamation of Governor Tyron on the 6th of January, announced the arrival of the Stamp ship and instructed all persons authorized to distribute stamps, to make application to the commander of the ship

The officer of the ship had not been an anxious applicant for the privilege of holding the stamps. Before the last word of the Governor's Proclamation was echoed back, by the few nameless tools that waited around the mushroom table of his patronage, the companies of Colonels Ashe and Waddell were watching the movements of the ship from the town of Brunswick. The timid officer of the suspicious craft prudently submitted to the terms of his besiegers, and promised to observe a holyday of several days, to determine on a subsequent course. The two popular leaders then started off for Wilmington, which was the head-quarters of the Governor. A Mr. James Houston, who was the intended Stamp-master, was an inmate of the Governor's house. Colonel Ashe on his arrival gathered together a large concourse of people, and in a tumultuous manner proceeded to the Governor's residence in quest of the Stamp-master. He was sent for to come to the door, when the Governor refused to allow the claims of such a body to an audience with Houston, and adhered to his resolution, until a threat to burn the house was nearly executed. The official dignity of Governor Tryon shrunk into submission before the in-

trepidity of Colonel Ashe. His blustering exhortations, and pompous threats of the vengeance of the King, were without power or effect among the people, when under the command of an officer distinguished for his defence of their rights in every crisis. The fiery impetuosity of the Colonel, aided by the enthusiasm of the whole people, soon brought the Stamp-master to the test of loyalty. The favorite of the government was led out of the embraces of the subdued Governor, and conducted to the market, where in the presence of the people he swore a solemn oath never to perform the duties of his office.

Such are the details of an event highly honorable to the spirit of the people of North Carolina. But for the vigilance of Colonel Waddell, the Stamp ship might have landed a few cases of its odious freight, before the people could have collected for resistance. A few of the stamps might have been distributed and for the sake of a loyal name, been used too, by some worthless lacquey of the Governor of a province. But the patriotism of Waddell gave notice of their arrival ; and ere the Governor's Proclamation announced the event, the two champions of the people were ready in the field. It is with feelings of pride and pleasure, that I recount the deeds of so worthy a son of North Carolina as Colonel Ashe. His name is one of the oldest and proudest in the annals of the state, and is still illustrious by the beauty and worth that adorn it. Love of the people was not then what it is now, the constant song of unprincipled demagogues. It was a virtue which but few possessed, and still fewer openly avowed. The terror of the Governor's displeasure extinguished the dimmest spark in the bosom of a Councillor, while the more dreaded frowns of Majesty itself were threatened on every

popular recusant. All of these pompous denunciations were laid in store for Colonel Ashe by the mercenary party of the Government. Amidst the enthusiastic love of his countrymen, however, they did not even quicken the natural sensitiveness of his mind. The banks of the Cape Fear have been prolific in great names. One of the companions of Colonel Ashe deserves to share with him every tribute of reverence, which posterity may pay. Maurice Moore was early distinguished by his zeal in the cause of the people. He was, however, more of a student than a soldier, and had already acquired at the bar of the province, the reputation of an eloquent advocate and an *honest attorney*. Of Colonels Waddell and Ashe and Mr. Moore there can be no question but that Governor Tryon had great and serious apprehension. Colonel Ashe was irresistible among the people, and was a host within himself. Colonel Waddell delighted in war, for it was his profession; and he commanded the sympathies of the people of Brunswick. He could march them to battle against the Stamp Act; he might do so against the Governor. Maurice Moore was a man of weight and consideration in the community in which he lived, as well as at the Bar. He would indeed have been an ornament to any society; and although he lived at a period when personal courage and influence outshone the lustre of a great mind, still he grew into the affections of the people, and was one of their most influential leaders. These three names are still conspicuous in North Carolina for exalted worth, and still retain that confidence and affection of the people, which formerly distinguished their ancestors.

Notwithstanding the repeated provocations of these three citizens, offered as it were, in defiance and in derision

of the authority of the Governor, this threatened resentment expired with the repeal of the Stamp Act. To such men Tryon could condescend to explain the motives of his conduct, and to implore their forbearance as the only means of preserving peace and order. The flattering compliment of a request to aid him in the trying duties of his station was lavished, and vainly lavished, on each; nor could they be persuaded to accept even the friendship of his Excellency, when it might induce an obligation of support. Such temptations could not fascinate the minds of such men from the exercise of their most sacred right, and the performance of their most sacred duty. They despised the officer, who could hope to seduce them by corruption, veiled under the offices of friendship; and insulted with less reluctance the authority, to which they had proved, by example, they were physically superior. The power of the government without the indispensable nourishment of the usual *aid bills*, had dwindled into subordination to the active influence of the popular leaders, and the pride of the haughty Tryon was limited to the preservation of the empty pageant of official dignity. Finding himself vanquished on all sides, and the government, which he filled, on the eve of dissolution, he adopted the desperate resolution of reducing the power of Colonel Ashe, by mixing familiarly with the people in the hope that his condescension would turn their minds, and enable him to supplant his adversary in their confidence and love.

The efforts of the Governor personally to conciliate the people, were not more successful than would have been the employment of a regiment of soldiers. The art of pleasing the people is the same faculty that immortalized the Gracchi of Rome, and the restless ambition of Gover-

nor Tryon was not content with a less considerable character for example in his new vocation. Feasts and routs were prepared for the people, to illustrate his liberality and condescension; but on all such occasions he imprudently or ignorantly neglected to lay aside the unpopular accompaniments of his office, so strongly indicative of arrogance and pride. He was an easy victim in the hands of Colonel Ashe in such a contest. The Colonel himself, being an officer of the militia, was not without the disadvantage of official insignia. Possessing an elegant and noble figure, well fitted to exhibit to effect the gorgeous uniform of his rank, his friends and companions boasted that he outshone the Governor himself. In the month of February of the year *sixty-six*, a period when this ridiculous rivalry was at its height, a large muster of the militia of New Hanover was held in Wilmington. The Governor had prepared a plentiful repast for the people, and, according to the accounts of that day, had barbecued a bull, and placed it on the table as one dish. The superior influence of Colonel Ashe over any other individual of that section of the state is well exhibited in the disposition, which the people under his influence made of the sumptuous repast. The appearance of the Governor all will admit, must have been more interesting to the mass of the people with the parade that encircled his person. When the feast was announced as ready, the people rushed in a body to the table, and in a tumultuous manner upset the barrels of liquors which had been provided, and seizing the bull, they hurled the barbecued monster into the river. The mortification of the Governor was too intense to await the slow cure of time, and he retired to his house dejected and discomfited. The whole day was

one continued scene of riot and tumult. Tryon, amidst this confusion and strife, was prudently lounging in his parlour, while his parasites and minions were reciting, or rather clamoring in interrupted accents, the recollected portions of the "*Riot Act*." How contemptible must have appeared at this time the pompous airs which his Excellency always assumed. Never was the contempt of a people for an individual adorned with the attributes of power more conspicuously exhibited, nor so degrading a punishment prescribed for the insolence of authority. The supremacy of Colonel Ashe could no longer be questioned, and although William Tryon was the King's governor, the people more willingly acknowledged the authority, as well as the merit, of another.

Some time during the fall of the year 1765, a duel was fought on the banks of the Cape Fear, between a captain and his lieutenant, in which the former fell. He was a relative of Lady Tryon's, and the Governor exerted all his influence to ensure the conviction of the survivor. The cause of the duel was remotely connected with the exciting topics of the day, and the sympathy of the people was aroused in favor of the lieutenant whom Tryon had thrown into prison. He was tried, convicted, and condemned; but the mercy of Chief Justice Berry postponed the period for his execution to a distant day. By the connivance and assistance of the people he made his escape, fled to England, was pardoned, and restored to the bosom of his family. The disappointment of Tryon in the gratification of his revenge sought relief in suspicions of Judge Berry, whom he accused of an agency in the escape of the lieutenant. The insinuations of the Governor, although they deeply and incurably wounded the feelings of the amiable Judge,

are not believed; for the executive could not conceal, under a zeal for the prosecution of an offender, the dishonorable feelings which prompted his hatred of the residing officer of the court. The honesty of Judge Berry was, however, lifted above his reach. He shortly after the trial was summoned from Edenton circuit to attend the Council board. The blustering and supercilious manner of Tryon had not been more repulsive to the people than to the Chief Justice; nor was the latter, by any selfish relaxation of the Governor's usual stiffness, duped into an obedience to his wishes. Such was the arrangement of the powers of the provincial government, that, although the Chief Justice was independent of the will of the Executive, yet the character of the former was at the mercy of the latter, who by complaints and charges referred in a sly and secret manner, could reduce to disgrace the most unexceptionable judge. Such were the apprehensions of Judge Berry, whose popularity was already an object of suspicion in England. The decided stand he took with the popular party in the administration of Governor Dobbs had been managed by his enemies at court to disparage his character. He knew that Tryon had an opportunity, by connecting him with the disturbances which had occurred in the Province, to subject him to a disgraceful censure from the King, and to effect his recall. The notorious duplicity of the Governor in framing a complaint, he well knew, would not hesitate to attribute to his influence all the opposition of the people, nor to disguise the real cause of the confidence and respect he personally and officially enjoyed. Writhing under the agony of these melancholy anticipations, his amiable but sensitive mind shrunk into a fit of despair, in the madness of which he terminated his existence.

Such was the lamented end of a life devoted to the study of the law and to the cultivation of a pure moral character. Combining with the reputation of an upright judge that of an amiable, hospitable, and generous citizen, he enjoyed that reverence and love which his excellence so signally deserved. His superior merit had been sent to a wrong mart. In the province of North Carolina the mild exertions of his power, as Chief Justice, but excited the malice of the Governor, by rendering more conspicuous the inconsistency of his own acts; nor would envy permit him to enjoy without reproach that devotion of the people, which was but the natural consequence of his virtuous and upright conduct. His death was deeply deplored by the people of the province, who reasonably expected as his successor some minion of Tryon's, ambitious only of his master's favor, and ready to forget both the dignity of law and the rights of man. It is said of Tryon, that already tired of the superior popularity of Judge Berry, he now received the intelligence of his melancholy fate with secret pleasure and an ostentatious indifference. On such occasions the feelings exhibited will best illustrate the real character of a man. His courtiers may have complimented his indifference as firmness or stoical philosophy. I shall not condescend to analyse the darkness of his motives, or to investigate the causes which might extenuate the enormity of his conduct. The vanity of Tryon should ere this have been humbled by defeat and shame. The rapid progress of successful opposition to the stamp law throughout the province should have tamed the turbulence of his spirit, and have softened his heart to the complaints of the people. He well knew that the great cause of their murmurs was his constant prorogation



or dissolution of the Assembly, and that one session would test the strength of the people and the weakness of the royal party. The sedition at Wilmington drew much of its violence from this cause ; and on that day Colonel Ashe, irritated by the conduct of the Governor, suggested to him " that he was afraid to convene the Assembly." Acting under the fear or excitement of this remark, Tryon issued a proclamation on the 26th of February, proroguing the Assembly, which was not to have convened until the 22d of April, to the last of October. On the 13th of June the Governor received official intelligence of the act of the preceding March, repealing the Stamp Act, and on the succeeding 25th issued a proclamation in the name of the King. The proclamation embraced two distinct positions, both alike calculated to captivate the enthusiasm of the people. It prohibited, and censured as illegal and disgraceful, the practice which had prevailed of charging excessive fees ; and in the second place, announced the repeal of the Stamp Act. Such an opportunity was joyfully embraced by Tryon to conciliate a people, of whose violence he had witnessed sufficient to learn the danger of their opposition or resentment.

On the next day after the appearance of the proclamation, the authorities of the Borough of Wilmington addressed Governor Tryon with congratulations on the repeal of the Stamp Act, and lamented the many misrepresentations of their conduct which had reached the ear of his Excellency. The Governor could not comprehend the meaning of this latter allusion, and replied to them, that the only exceptionable conduct of which they had been guilty, had come directly under his own personal observation. The mayor of the borough, assisted by many of the most re-

spectable citizens, complained in a letter they addressed to him of the injustice of his insinuation, and declared that the commotions which had existed, arose from "a conviction, that moderation ceased to be a virtue, when the liberty of the British subject was in danger." This correspondence which was terminated to the satisfaction of the Governor, was, to speak with candor, more seditious than the commotions which had occurred, and which had undoubtedly come under the personal observation of Tryon. The address, in the first instance, expressed great affection for the effort which Parliament had made to preserve the liberty of the people by relieving them from oppression which they could not bear, and the commentary to be found in the second letter, "*on the virtue of moderation,*" was not entirely consistent with the prescribed loyalty of one of the people.

The other portion of our history, by the discussion of which I propose to illustrate the character of Tryon, is the history of the Regulation, — a maiden subject for the pen of controversy, — and one upon which I shall be found to differ from all the historians and pamphleteers of the day.

In writing the history of that period of time involved in commotion on the passage of the Stamp Act, I have almost buried that of the Regulation under its incumbent and more general importance. I shall now invite the attention and consideration of the reader to a series of historical papers which will be found to be extracts from the rare and curious volume of Herman Husband. Such, indeed, I conceive to be the most impartial mode of introducing the reader to a knowledge of that rebellion, clouded as it has been by the heavy pages of Williamson and Martin,

and the more ignorant disquisitions of untutored and ignorant scribblers. These papers are the more valuable because they were published in the midst of the strife, before the fatal battle of Allemance, and in the face of the individuals whose crimes and misdeeds are exposed. Of their author, Herman Husband, I must say a few words before I commence the task of transcribing his exposition of the causes of the Regulation. He was undoubtedly a man of a turbulent and seditious character, but he lived in a country where the exercise of those qualities were not only excusable, but frequently indispensable, as a means of redress for outrage and wrong. Possessed, too, as he undoubtedly was, of the craft and cunning of a Jesuit, as well as a quick and ready perception of the state of the community in which he lived, he induced the discontented and oppressed to unite in a general and systematic opposition to the operations of the provincial government.

A single incident will serve to illustrate the character of this singular individual. The violence of his enemies on one occasion succeeded in imprisoning him in the town of Hillsborough, and the conditions of his release were, that he should never give his opinion of the laws, "nor frequent assembling himself among the people, nor show any jealousies of the officers taking extraordinary fees, and other similar promises." The immortal truth of Hooker, that "whoso goeth about to persuade the people they are not as well governed as they might be, will surely find attentive listeners," was not more applicable to Husband than to others of that day, who labored to dethrone the sovereign, to whom they had sworn allegiance. The promises extorted as the condition of his release, indicate alike the nature of his genius and the degree of tyranny he was

endeavouring to demolish. In viewing the events of that day, I shall not scruple to describe the character of Husband, as superior to that of the miserable pettifogger whose knavery suggested the conditions of his liberty. He wanted the advantages of education which had been vainly lavished on his adversary, if one of the objects of education is to refine and purify the mind; nor had he an opportunity of neglecting to acquire those accomplishments which are offered in the ranks of a polished society. The character of Husband I admit to have been that of a demagogue, not however more base or servile, than many still patronized by the suffrages of the people of my native State.

The pages of Husband's book disclose the first effort in Orange county to organize as a party the disaffected portion of the people. Such an attempt was indispensable to preserve the party which had, before the passage of the Stamp Act, opposed the exactions of the officers of the government, the ranks of which had been crowded by the unanimous opposition of the people to that and other measures, and which was now reduced to its original resources by the repeal of that law. In the month of August, 1766, and at an inferior court of the county of Orange, a paper addressed to the Representatives and Magistrates of the county was presented and read. This paper, I am of opinion, is the *first written complaint* against those extortions, which formed so important an element in the disturbances of that day, and which covered the Courts and the Bar with reproach and shame. It is extracted from the 9th page of Husband's book.

“Whereas that great good may come of this great designed evil, the Stamp Law, while the sons of Lib-

erty withstand the Lords of Parliament in behalf of true Liberty ; let not officers under them carry on unjust oppression in our Province, in order thereto, as there are many evils of that nature complained of in this county of Orange, in private amongst the inhabitants. Therefore, let us remove them, or if there is no cause, let us remove the jealousies out of our minds. Honest rulers in power will be glad to see us examine this matter freely. And certainly there are more honest men among us than rogues, yet rogues are harboured among us sometimes almost publicly. Every honest man is willing to give part of his substance to support rulers and laws to save the other part from rogues, and it is his duty as well as right to see and examine whether such rulers abuse such trust. Otherwise that part so given may do more hurt than good. Even if we were all rogues, in that case we could not subsist ; but would be obliged to frame laws to make ourselves honest. And the same reason holds good against the reason of a Mason club. Thus though it (meaning justice) must be desired by all men, or the greatest number of men ; yet, when grievances of such public nature are not redressed, the reason is, every body's business is nobody's. Therefore the following proposal is offered to the public, *to wit* ; Let each neighbourhood throughout the county meet together and appoint one or more men to attend a general meeting, on the Monday before next November court, at a suitable place, where there is no liquor (at Maddock's Mills if no objection), at which meeting let it be judiciously inquired into, whether the Freemen of this county labor under any abuses of power or not, and let the same be notified in writing, if any is

found, and the matter freely conversed upon, and proper measures used for amendment. This method will certainly cause the wicked men in power to tremble, and there is no damage can attend such a meeting, nor nothing hinder it but a cowardly, dastardly spirit, which if it does at this time while Liberty prevails, we must mutter and grumble under any abuses of power, until such a noble spirit prevails in our posterity: for this is a maxim, that while men are men, though you should see all those Sons of Liberty (who have just now redeemed us from tyranny) sit in offices and vested in power, they would soon corrupt again and oppress, if they were not called upon to give an account of their stewardship."

The sentiments and principles of this address may not be despised even in this age of the American republic. To give an account of their stewardship is considered as the primal duty of every servant of the people returning from the labors of legislation. But I would suggest that the sentiments and principles of the address support the position I have assumed, that the Regulation, although overthrown by the battle of Allemande, was nevertheless connected with the Revolution at that early day.

Historians commence the narrative of the Revolution with the opposition to the Stamp Act, and point to the spirit of that day as the same that immortalized the heights of Bunker's Hill, and the Plains of Guilford. I may, with equal propriety, date the origin of the Revolution in North Carolina from the birth of that spirit of opposition, which, existing anterior to the Stamp Act, was strengthened and fortified by its tyranny, and which first tore away the magic veil that covered the monstrous deformity of British allegiance. To agitate the question of resistance to the oppression of

government, to induce the people to reflect on the policy of such a step, to accustom them to the ground of rebellion, and to lead them, step by step, to the dark council of the agitators and leaders, is frequently the most heroic and perilous adventure in the history of a revolution. Such was the effect of the Stamp Act in Massachusetts and the other states. The odious principles of that measure provoked the people to the contemplation of more important and efficient means of resistance than were inherent in their Provincial government and in a later period of history, the battle of Lexington but struck out the spark that blazed from the battle-field to Georgia. To have commenced the war is one of the worthiest laurels achieved during its progress, scarcely inferior to that worn with the assent of a whole people, by the immortal hero whose genius consummated the glory of that struggle.

The imputations against the Regulation, which prevail in North Carolina, are, that it was nothing more than a compact of turbulent and seditious men, united upon no definite principle, but acting only from the impulse of a factious spirit. The concluding sentence of the address refutes and contradicts this prejudiced and too common opinion. Without a cause of action, and without concert, when in their first declaration they point to oppressions, which had notoriously existed for years, and propose a plan of coöperation ; in the same instrument they applaud the opposition to the Stamp Act, and dignify the principal movers of that opposition with the honorable title of "Sons of Liberty." Does this support the character which Williamson and Martin have bestowed on the Regulators, or the still more rancorous abuse which pride and ignorance have lavished on that undefended party? One in-

ference is plainly deducible from the address. If the Regulation was, as has been represented, a profligate and seditious junto, without merit or virtue, the party opposed to the Stamp Act in North Carolina, which willingly united with the Regulators, and even joined them in the mobs and routs of that day, was alike profligate and seditious. The only difference, which ingenuity can detect, is, that the Regulators were contending for a thorough reformation of the government, in all its branches, and the opponents of the Stamp Act directed their efforts entirely against its operation.

The object of the proposed meeting at Maddock's Mill was sufficiently described in the address, and was approved at the time by the leading men of the Governor's party. There was one individual, however, Edmund Fanning, a representative from Orange, whose antipathy to an investigation of the conduct of the officers of the court was founded on a conviction of his own misdeeds and crimes. This singular man, so indifferent to the voice of reason or honor, as to become conspicuous on that account alone, denounced the proposed meeting as an insurrection. At a meeting of the neighbourhood of Deep River, the representatives, vestry-men, and other officers were requested to attend the meeting at Maddock's Mill, and to give such information as they could, "so far as they valued the good will of every honest freeholder, and the executing public offices pleasant and delightful." The meeting of the delegates of the people assembled at Maddock's Mill on the 10th of October, 1766, and, while they were awaiting the arrival of the representatives, James Watson, the colleague of Fanning, arrived, and brought the denunciation of that prudent officer. The meeting, how-



ever, proceeded to the business of the day, and after a free discussion of the distressed state of the county of Orange, adopted the following paper, which was approved and signed by Watson.

“ It was the judgment of the said meeting, that by reason of the extent of the county, no one man in it in a general way was known to above one tenth man of the inhabitants, for which reason such a meeting for a public and free conference, yearly, and as often as the case may require, was absolutely necessary, in order to reap the benefit designed us in that part of our constitution of choosing representatives, and knowing for what uses our money is called for. We also conceive such a representative would find himself at an infinite loss to answer the design of his constituents, if deprived of consulting their minds in matters of weight and moment.

“ And whereas, at the said meeting, none of them appeared, (though we think properly acquainted with our appointment and request), yet, as the thing is somewhat new in this country (though practised in older governments,) they might not have duly considered the reasonableness of our requests. We therefore conclude that if they hereafter are inclinable to answer it, that we will attend them at some other time and place, on their giving us proper notice. It is also our judgment, that on further mature deliberation, the inhabitants of the county will more generally see the necessity of such a conference, and the number increase in favor of it to be continued yearly. A copy of this was given to Mr. Watson, on his approbation of it, and he promised to present each of our representatives with proper transcripts, which we doubt not the least he complied with. But however,” continues

the simple narrative of Husband, "instead of complying with our so reasonable proposals, Colonel Fanning, at the following court or at a general muster, read a long piece of writing in public and among our Justices in repugnance to our request, vaunting himself greatly in his performance, telling them he had served us with copies thereof, and signified it would silence us. But as to what it contained, I cannot inform the public, as we, nor any of us, that ever I could find, ever saw it."

Such seem to have been the efforts of the Regulators to break down the domestic tyranny, which had been generated by the corrupt government of the provincial Governors. Starting from the heavy requisitions of Governor Dobbs, and the avarice of the attorneys and agents of the later years of his administration, the Regulation had matured thus far in the fall of the year 1766. The advantages of a concert were soon experienced in the greater facility, which such a body possessed of indicting the officers, and other extortioners, and in the expenses attending such prosecutions being liberally paid by a general subscription. At the meeting at Maddock's Mill, the sum of fifty pounds was subscribed for such a purpose; and although no particular officer was specified as the object of prosecution, yet the circumstance justly awakened the suspicions of Fanning. Living, as he did, in the constant and acknowledged commission of crime, his guilty and jealous mind was eager to examine the bearing of every penal statute, and every meditated prosecution, under an apprehension that it might have been agitated for his own sins.

At last I have to notice the session of an Assembly, a portion of the government which the fear and policy of

Tryon had nearly extinguished. For more than eighteen months the Province had been without an Assembly ; and this stroke of policy, so obviously the result of apprehension, embittered and aggravated the previous jealousies of the people. The members met in New Berne on the 3d of November, and the session was commenced by a quarrel with the Governor on account of the long chasm in the legislation of the Province which his fears had produced. The courage of Tryon seems to have slumbered during this controversy. The reproaches of the popular House were bitter and open, and the insinuations disrespectful and insulting. The Governor was rebuked for having encouraged the application of the abusive terms of "rebels" and "traitors" to the people of the Province, a charge, which he warmly pronounced without foundation. He declared himself a perfect stranger to the insinuations, which the answer of the House contained, and avowed a willingness to forget every transaction, which ingenuity could torture into an insult. The charge of cowardice against Tryon, which is supported by various events in the history of his administration, may be qualified in this case, by one or two powerful considerations. The sedition at Wilmington had taught him the popular lesson of conciliation, as well as the reality of popular power. He found himself now surrounded by many of the same men vested with the dignity and power of representatives, and still burning with resentment against him as the author of those calumnies with which they had been assailed. The prudence of Tryon plainly saw the danger of provoking or irritating the opposition of such men, and the necessity of healing the wounds which he had inflicted. The other consideration was undoubtedly a great inducement to forbearance, and

indeed, to such a man as Tryon, of humiliation. He had fallen in love with the idea of erecting a splendid palace, to accomplish which, he wooed the members, with all the submission of a devoted lover. He lost his dignity in the efforts which he thus frequently made to accomplish his darling scheme, and may have forgotten his honor in the madness of his zeal and enthusiasm.

It was in the various political manœuvres, necessary to procure an appropriation of funds for the erection of this palace, that the genius of Lady Tyron, and her lovely sister, rose superior to the official consequence of the Governor. The sum of five thousand pounds was readily voted by the Assembly of 1766 ; but when it subsequently appeared, that this sum was only sufficient for the mere beginning of the edifice, and that ten thousand more were necessary to complete it, the liberality of the legislature was exhausted. After a great deal of management, however, the second appropriation bill was passed, and its success has been justly attributed more to the brilliant society of the two ladies than to the policy of the Governor. To have taxed a Province, exhausted by the scourge of war and anarchy, with a burthen of fifteen thousand pounds, exhibits a greater degree of indifference to the distresses of the people, than can be reconciled with patriotism or humanity. The dinners of his Excellency must have been princely indeed, and the society of the ladies, — the only sovereign apology, — extremely delightful, to have wrung from the parsimony of the Assembly so heavy an appropriation. I shall anticipate one event in the annals of the state, to illustrate the universal esteem and admiration, in which these two ladies were held. The Assembly of 1770 created a new county in the centre of the state, and

adorned it with the name of Wake, in compliment to the beauty of Miss Esther. At a still latter period of our history, when the Royal government had been annihilated, the Assembly carefully and justly substituted the names of distinguished Americans, for those of Tryon, Dobbs, and others, which had designated several of the counties of the state. While the motion to change the name of Tryon county was under consideration, a proposition was made by some over-zealous patriot, to expunge the name of Wake. The title of 'Tryon was expunged, but the ungallant proposition to obliterate the recollection of a beautiful woman was rejected by acclamation. The city of Raleigh, the capital of the state, as if to crown the majesty of beauty, was, at a still latter period, located in the county of Wake, an appropriate name for a city, built on a territory consecrated to the genius of beauty and virtue.

In this preliminary view of the character of Governor Tryon, I have not space for a regular, detailed history of his administration. I must leave the palace, and its fair inmates, and invite the attention of the reader to the battle of Allernance, a victory which extinguished the rebellion of the Regulators.

In the year 1771, after the adjournment of the Assembly, it was perceptible to all, that the calamity of a civil war was inevitable. In the month of March the Governor commenced the organization of an army, and by the advice of the Council, was determined to lead it in person to the territory of the rebels. In the mean time a plan of peace and reconciliation had been adopted by the contending parties in the county of Orange, which might have saved the Province from the ravages of war, but for the simultaneous hostile movement of the Governor in the town

of New Berne. A court of Oyer and Terminer was held in that place, under the late act of the Assembly, and bills of indictment were found against a large number of the Regulators, for destroying the house of Fanning on the previous 25th of September. The court adopted an association paper, which was signed by the Governor, and other distinguished officers, pledging themselves to support the government in restoring peace, and enforcing a due execution of the laws. This was viewed by the people of Orange, without regard to party, as a *veto* on the plan of pacification, and the parties now reverted to their former opinions and deeds. During the latter part of April, Governor Tryon having collected an army of three hundred men, and appointed different posts of rendezvous on his way, marched from New Berne, accompanied by several members of the council, and other influential characters.

On arriving on the banks of the river Enoe, he found himself at the head of a formidable and efficient force, under the command of the militia officers of the several counties. A detachment from the county of New Hanover, under the command of Colonel John Ashe, another from Onslow under Colonel Richard Caswell, another from the county of Carteret, under Colonel Craig, another from Johnston, under Colonel William Thompson, another from Beaufort, under Colonel Needham Bryan, and one from Wake, under Colonel John Hinton, had joined his standard, before he reached the encampment on Enoe. The infantry of the army with which he started from New Berne, was commanded by Colonel Joseph Leech, the artillery by Captain Moore, and a company of rangers by Captain Neale. The Camp was only a few miles from Hillsboro', and before the army had progressed any farther on its march, a prodigious reinforcement, under the

management of Edmund Fanning, a notable attorney of the town, arrived. Tradition informs us, that this singular reinforcement was composed of clerks, constables, coroners, broken down sheriffs, and other such materials, and this statement is supported by the fact, that two of the principal objects of the Governor were, to protect the election of a member for Orange in the place of Husband, and to assist the sheriff in levying the taxes, affairs in which the agency of Fanning might be indispensable.

Colonel Waddell, with a small detachment, had been in that section of the state for some time, and, having espoused, with much zeal, the cause of the government, was an object of great hatred to the Regulators. They contrived to entangle him in a skirmish, and with a superior force to surround his small army. The Colonel himself, with a few followers, escaped to Salisbury, and from thence an express was received by Tryon, while on the banks of the Enoe, containing an account of his discomfiture. He stated, that there existed a constant intercourse between the detachment and the Regulators, and that, in such a situation, flight was his only opportunity of escape. Before the encampment was struck, the Governor received intelligence, that the enemy was on the march to meet him; and, apprehensive that his passage of Haw River might be obstructed, he moved on in haste to the scene of action. A volunteer company of light-horse, under the command of Captain Bullock, was the only addition to his army he received, and with his whole force he crossed Haw River on the 13th of May. On the evening of the following day, he pitched his camp on the banks of the Allemance, a small stream, distinguished in history by the extraordinary nature of the approaching conflict.

I have conducted the King's forces, near the field of battle, and have now to return to the Regulators, describe the industry of their leaders, and the concentration of their forces. In my future details on this subject, I shall distinguish the army of Tryon by the name of the "King's Forces," an appellation more familiar to the people of North Carolina, and one which was claimed as an honorable title by the officers of that army, until none were so poor as to do homage to the King. The counties of Orange, Anson, Granville, Guilford, and the adjacent western section of the state contributed to the army of the Regulators. The restless genius of Husband pervaded the whole party. He encouraged the timid to the field, with the hope of extorting by fear from Tryon a redress of their complaints, and inflamed the more courageous with the expectation of plunder or renown. He ransacked every house, and warned every man to arms, to repel the invader of their rights, and their plantations. The people flocked to his standard in numbers, and swelled his ranks to an unwieldy and unmanageable crowd. Many came unarmed and joined the ranks under an expectation, that there would be no bloodshed, but that so large a force would bring the Governor to the terms they might propose. Such indeed was the prevailing sentiment among the Regulators, and had been urged by Husband, as an inducement to join his standard. With all the duplicity of a demagogue, he varied his arguments, to suit the temper and situation of each individual whom he solicited. To all he might urge the wrongs and extortions they had suffered, but not to all could he urge war. His army thus constituted, may be computed at two thousand men, not more than half of which number could have been armed even with the semblance of a



eadly weapon. Once within his ranks terror was exerted to retain them, and to force them to the field. If each soldier of that army had gone to the banks of the Alliance with the feelings, and the passions of their leader, and with the charged musket on his shoulder, the King's forces might have been celebrated for a dexterous retreat, and not a clumsy and unsoldierlike victory. But few went to that battle with the motives of Husband. Revenge was the nutriment of his valor ; and with a mind embrenzied by the disgrace of an expulsion from the Assembly, and the loathsome confinement of a dungeon, he hurried to the battle, with all the fury and madness of despair. With five hundred men thus animated and well armed, "*the great wolf of North Carolina*" might have been conspicuous only, in the annals of the state, as the last of the Royal Governors.

The Regulators, without the advantage of discipline or the use of decent arms or military stores, must have presented the appearance of one of the militia musters of the county of Orange, at the present day. Should the experiment of raising an army of two thousand men out of that and the adjacent counties be made at this time, it would require twelve months and a large expenditure of funds, to give it the imposing appearance of a well regulated and disciplined army. History may relate the miracle that was wrought in those days, by the collection of an army of two thousand well armed soldiers in the short space of two or three months ; but the curiosity of criticism may venture to contrast the possibility of such a thing in the present more enlightened and prosperous age. At a short notice a mob of four or five thousand may be collected, and this vast crowd may comprise a hundred well armed men, deprived of the power to act, by the irregularities of

their comrades ; but a hundred skilful police officers will disperse them with less bloodshed than the army of a royal governor. Laurels acquired in such an action might adorn the brows of a pack of constables headed by a pettifogger, but disgrace the magnificence of a military expedition headed by the chief magistrate of a government.

The forces of the Regulators, under the command of Husband, and Captains Hunter and Butler, advanced towards the Allemande and encamped within a few miles of the station occupied by Tryon. The fact that a large number joined the standard with no suspicion of a battle is obvious from the proposition which was submitted to the Governor, on the 15th of May, the day before the battle, to return to their homes, if he would redress their grievances. This pacific plan was by no means agreeable either to Husband or Tryon, both of whom were intent on battle. It was on the 15th that Colonel Ashe and Captain John Walker were, while on a scouting party, apprehended by the Regulators, "tugged up to trees and severely flogged."\* The apprehension for the safety of these two officers, and the uncivil, not to say rude conduct of the enemy, created great alarm in the Governor's camp ; and much difficulty was found in detaining Colonel Edmund Fanning, Esq., who had once experienced a similar incivility. The whipping of these two officers was one of the expedients of Husband to destroy entirely all hopes of an amicable adjustment, as well as to gratify his inimical feelings towards Colonel Ashe, with whom he had a rencontre some time before in Hillsboro'.

On the night of the 15th the camp of Tryon was rigidly guarded, and the whole adjacent country filled with small detachments as sentry guards. The cavalry kept their

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\* Martin, Vol. II. p. 278.

**horses saddled throughout the night and every other precaution against surprise was adopted ; but the slumbers of Colonel Fanning were interrupted by apprehensions and dreams of the punishment of Colonel Ashe. At daybreak on the 16th of May, the King's forces were on their march, having left their camp standing, under a strong guard commanded by Colonel Bryan of Johnston. The two armies approached about mid-day and halted within half a mile of each other. The King's forces were drawn up in two lines a hundred yards apart, with the artillery in the centre. Colonel Leech, with the detachments of Craven and Beaufort, commanded the right wing of the front line, and Colonel Thompson with those of Carteret and Orange the left. The detachment of New Hanover and three companies from Dobbs, under the command of Colonel Caswell, formed the right wing of the second line ; and Colonel Craig with the troops from Onslow and Johnston completed the main body of the King's forces. Colonel Hinton with the company from Wake and a troop of light-horse from Duplin reinforced the rear guard, and the rangers covered the flanks on both sides.**

The Governor's person was guarded by the cavalry of Captain Bullock, and Colonel Caswell was instructed, in case of an attack on the left wing, to form an angle from his lines and cover the left flank. The Regulators were not thus skilfully arranged, nor had they the materials for such an arrangement. A large proportion were unarmed, and those who bore arms were unprepared for more than one discharge of musquetry. I discredit the computation of Williamson, who says, they were about three thousand, and deny the possibility of arming so numerous an army at that early day. Taking even my statement as the more correct, that their whole force was two thou-

sand, the same impossibility of procuring arms and ammunition in a country literally destitute of the conveniences of life for such an army, presents itself. There could not have been more than one thousand men under arms, and the dexterity of these was incommoded by the unwieldy and idle crowd around them. The Governor replied to the demand (which had been made the day before) to redress their grievances, by a positive assurance that nothing but unconditional submission would be acknowledged as terms of peace, and allowed them one hour to weigh the important and momentous crisis. Husband listened with impatience to his proposal and bade the messenger return and tell the Governor that he defied him to battle. This violent language did not meet the unanimous accordance of the army, and a second reading of the proposition was called for by those who were not disposed or prepared for battle. The paper was again read, and at its conclusion, Husband again bade the messenger return and carry his defiance to the ears of his master. The two armies approached within a hundred yards of each other, when two of Tryon's men, a civil and military officer, advanced towards the Regulators, and read in a loud voice a proclamation or riot act, commanding them to disperse in one hour. Unfortunately the Governor's proclamations had been issued on so many occasions to no purpose, and had so often denounced their leaders, that they now refused to hear it, and shouted, "Battle, battle," as a more congenial sound than a vain and pompous harangue. The Regulators had determined to put Colonel Ashe and Captain Walker in front of their lines, unless Tryon would exchange for them seven prisoners he had taken. While the parley was going on for that purpose, the impatience of the armies was so great, that the leaders made a simulta-

neous movement, and led on to battle. The two armies marched with the most profound silence, and, such was the indisposition of either side to fight, that the ranks passed each other and were then compelled by a short retreat to regain their respective places. At the distance of twenty-five yards apart the contending parties stood and occupied the solemn hour before battle with a verbal quarrel, each party uttering the most violent imprecations and bandying the most abusive epithets.\* The Regulators shook their clenched hands at the Governor and Mr. Fanning, and walked up to the artillery with open bosoms, defying them to fire. The King's forces occupied the road, and the Regulators the woods; and, each party making an effort to obtain a contiguous and more advantageous position, a bloodless meeting took place. Colonel Ashe and Captain Walker were demanded by an adjutant, who reported that the Governor would wait no longer, but should instantly fire on them if they did not submit. They were now face to face, each man engaged in a loud and clamorous quarrel with the nearest enemy, on the grievances of the people and the virtues of Fanning. It was in vain that the Governor roared out the word of command, directing his men to fire, each loyal soldier was too busily engaged either in an argument or a fist fight, to heed the haughty and dictatorial decrees.

History records the circumstance, that it was only by a simple but violent speech of Tryon ("Fire, fire on them or on me")† that the King's forces could be induced to obey. On the discharge of the first gun the battle became general; and, each man fighting without regard to order or

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\* Martin, Vol. II. p. 281.

† Id. p. 282.

command, a tumult ensued which may well be compared with the mobs of Manchester or Bristol. Such was the disorder of the action, that the artillery was idle for the first hour during which time the conflict was equal and well sustained. When the artillery, however, was brought to bear, the contest ceased on both sides as if by magic; and the Regulators (who were without even a swivel), as they recovered from their panic, fled in dismay and confusion; and were pursued in a similar state of disorder by the King's forces. "The loss of the Governor was nine killed and sixty-one wounded; that of the rebels twenty killed and a number wounded."\* The reader may be curious to know the fate of Mr. Fanning in this perilous engagement. The moment before the battle commenced, on catching a glimpse of Colonel Ashe and Captain Walker, a recollection of the peculiar manner in which those gentlemen, as well as himself, had been treated, so shocked the natural sensitiveness of his mind, that he was obliged to make a precipitate retreat to the camp.

On the evening of the day, and after the overthrow of the Regulators was ascertained to be complete, the wicked and blood-thirsty genius of Tryon, mortified at the small number of slain, directed the execution of James Few, a religious maniac, whom he had taken prisoner. Such an inhuman and unsoldierlike act of barbarity, is without a parallel in the history of our country, and exhibits, in a manner not to be mistaken, his utter destitution of every principle of virtue or courage. The battle was over and the base laurel which such a victory gained, was stained, foul as it was, by this most unfeeling and fiendish act, from which an American savage would turn with disgust, a can-

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\* Such is the computation of Martin.

nibal revolt with horror. And, as if to crown the cruelty and loathsomeness of this act, the low tyrant penetrated into the private history of his victim, and visited upon the parents and relatives (by the destruction of their estates) the misfortunes, and not the crimes, of the brother and the child. This single act, if the whole previous tenor of Tryon's life had been covered with the mantle of virtue and generosity, would have sullied for ever its purity, and justified the unqualified execration of history. It would have tarnished the character of Caligula, and have adorned the brutal massacres of General Nat Turner.

Thus terminated the battle of Allemance, one of the most singular struggles in the annals of the state, but which has been magnified, by the pride and ignorance of Tryon's party, into a bloody and violent contest and an honorable and glorious victory. Its only importance in history is, that it prostrated the Regulators, who now eagerly took the various oaths of allegiance, which the political pedantry of Tryon suggested. The country was not depopulated by the number of slain, nor did even the subsequent executions of the Governor produce a thinness of the population or a stagnation of industry and enterprise. It simply annihilated the Regulation, without bloodshed or honor, and thus its consequences are told.

Tryon at the head of his army marched through the country with a civil and military officer in front, who read a proclamation to every unfortunate traveller, granting pardon to all excepting a few of the most conspicuous leaders. A reward of land and money was offered for Husband, dead or alive, and a special Court of Oyer and Terminer was ordered, for the trial of the twelve prisoners taken in the battle. They were convicted of high treason and sentenced to death. The execution of six of them was

respited, and the Governor himself condescended to perform the unpleasant and menial duty of preparing for the execution of the others. After the gratification which such a spectacle doubtless afforded him, he left the army, and returned to New Berne, whence he sailed for New York, to the government of which province he had been recently appointed.

I have written this view of the character of Governor Tryon, to elucidate the subsequent history of the administration of Josiah Martin, and the downfall of the royal government. To the latter subject, indeed, it is a proper incident ; for during his administration the political signs of the times were strongly indicative of the downfall of the government. The following document giving a general history of his administration is from the pen of Maurice Moore, one of the judges of the Superior Court during the government of Tryon. He has been already mentioned in these pages in the discussion of the Stamp Act. He was appointed to the office of judge by Tryon, and yet the severity of the document indicates the most decided political hostility. I willingly subscribe to the correctness of his view of the character of Governor Tryon ; although I cannot see why Lady Tryon should not have been entitled Her Excellency, as tradition ascribes to her much of the success of many of his political manœuvres. Maurice Moore was a Regulator ; and, as he gave as a judge much support to the Governor, I suppose he did so on the score of admiration for "*Her*" and not His Excellency. The document had an extensive circulation during the years 1771, 1772, and 1773, and was copied generally by the Whig papers of the country. It was some years since republished in the Appendix to the first volume of Martin's "*History of North Carolina.*"



*" To his Excellency William Tryon, Esquire.*

" I am too well acquainted with your character to suppose you can bear to be told of your faults with temper. You are too much of the soldier, and too little of the philosopher, for reprehension. With this opinion of your Excellency, I have more reason to believe that this letter will be more serviceable to the province of New York, than useful or entertaining to its governor. The beginning of your administration in this province was marked with oppression and distress to its inhabitants. These, Sir, I do not place to your account; they are derived from higher authority than yours. You were, however, a dull, yet willing instrument, in the hands of the British Ministry, to promote the means of both. You called together some of the principal inhabitants of your neighbourhood, and in a strange, inverted, self-affecting speech, told them that you had left your native country, friends, and connexions, and taken upon yourself the government of North Carolina with no other view than to serve it. In the next breath, Sir, you advised them to submit to the Stamp Act, and become slaves. How could you reconcile such baneful advice with such friendly professions? But, Sir, self-contradictions with you have not been confined to words only; they have been equally extended to actions. On other occasions you have played the governor with an air of greater dignity and importance than any of your predecessors; on this, your Excellency was meanly content to solicit the currency of stamped paper in private companies. But, alas! ministerial approbation is the first wish of your heart; it is the best security you have for your office. Engaged as you were in this disgraceful negotiation, the more important duties of the governor were forgotten, or wilfully neglected. In murmuring, discontent, and public confusion, you left the colony committed to your care, for near eighteen months together, without calling an assembly. The Stamp Act repealed, you called one; and a fatal one it was! under every influence your character afforded you, at this Assembly, was laid the foundation of all the mischief which has since befallen this unhappy province. A grant was made to the crown of five thousand pounds, to erect a house for the residence of a governor; and you, Sir, were solely intrusted with the management of it. The infant and impoverished state of this country could not afford to make such a grant, and it was your duty to have been acquainted with the circumstances of the colony you governed. This trust

proved equally fatal to the interest of the province and to your Excellency's honor. You made use of it, Sir, to gratify your vanity at the expense of both. It at once afforded you an opportunity of leaving an elegant monument of your taste in building behind you, and giving the ministry an instance of your great influence and address in your new government. You, therefore, regardless of every moral, as well as legal obligation, changed the plan of a province-house for that of a palace, worthy the residence of a prince of the blood, and augmented the expense to fifteen thousand pounds. Here, Sir, you betrayed your trust, disgracefully to the governor, and dishonorably to the man. This liberal and ingenious stroke in politics may, for all I know, have promoted you to the government of New York. Promotions may have been the reward of such sort of merit. Be this as it may, you reduced the next Assembly you met to the unjust alternative of granting ten thousand pounds more, or sinking the five thousand they had already granted. They chose the former. It was most pleasing to the governor, but directly contrary to the sense of their constituents. This public imposition upon a people, who, from poverty, were hardly able to pay the necessary expenses of government, occasioned general discontent, which your Excellency, with wonderful address, improved into a civil war.

“ In a colony without money, and among a people, almost desperate with distress, public profusion should have been carefully avoided; but unfortunately for the country, you were bred a soldier, and have a natural, as well as acquired fondness for military parade. You were intrusted to run a Cherokee boundary about ninety miles in length; this little service at once afforded you an opportunity of exercising your military talents, and making a splendid exhibition of yourself to the Indians. To a gentleman of your Excellency's turn of mind, this was no unpleasing prospect; you marched to perform it, in a time of profound peace, at the head of a company of militia, in all the pomp of war, and returned with the honorable title, conferred on you by the Cherokees, of *Great Wolf of North Carolina*. This line of marked trees, and your Excellency's prophetic title, cost the province a greater sum than two pence a head, on all the taxable persons in it for one year, would pay.

“ Your next expedition, Sir, was a more important one. Four or five hundred ignorant people, who called themselves Regulators, took it into their head to quarrel with their representative, a gentleman honored with your Excellency's esteem. They foolishly charg-

him with every distress they felt; and, in revenge, shot two or three musket balls through his house. They at the same time rescued a horse which had been seized for the public tax. These crimes were punishable in the courts of law, and at that time the criminals were amenable to legal process. Your Excellency and your confidential friends, it seems, were of a different opinion. All your duty could possibly require of you on this occasion, if it required any thing at all, was to direct a prosecution against the offenders. You should have carefully avoided becoming a party in the dispute. But, Sir, your genius could not lie still; you enlisted yourself a volunteer in this service, and entered into a negotiation with the Regulators, which at once disgraced you and encouraged them. They despised the governor who had degraded his own character by taking part in a private quarrel, and insulted the man whom they considered as personally their enemy. The terms of accommodation your Excellency had offered them were treated with contempt. What they were, I never knew; they could not have related to public offences; these belong to another jurisdiction. All hopes of settling the mighty contest by treaty ceasing, you prepared to decide it by means more agreeable to your martial disposition, an appeal to the sword. You took the field in September, 1768, at the head of ten or twelve hundred men, and published an oral manifesto, the substance of which was, that you had taken up arms to protect a superior court of justice from insult. Permit me here to ask you, Sir, why you were apprehensive for the court? Was the court apprehensive for itself? Did the judges, or the attorney-general, address your Excellency for protection? So far from it, Sir, if these gentlemen are to be believed, they never entertained the least suspicion of any insult, unless it was that, which they afterwards experienced from the undue influence you offered to extend to them, and the military display of drums, colors, and guards, with which they were surrounded and disturbed. How fully has your conduct, on a like occasion since, testified, that you acted in this instance from passion, and not from principle! In September, 1770, the Regulators forcibly obstructed the proceedings of Hillsborough Superior Court, obliged the officers to leave it, and blotted out the records. A little before the next term, when their contempt of courts was sufficiently proved, you wrote an insolent letter to the judges, and attorney-general, commanding them to attend to it. Why did you not protect the court at this time? You will blush at

the answer, Sir. The conduct of the Regulators, at the preceding term, made it more than probable that those gentlemen would be insulted at this, and you were not unwilling to sacrifice them to increase the guilt of your enemies.

“Your Excellency said, that you had armed, to protect a court. Had you said to revenge the insult you and your friends had received, it would have been more generally credited in this country. The men, for the trial of whom the court was thus extravagantly protected, of their own accord, squeezed through a crowd of soldiers, and surrendered themselves, as if they were bound to do so by their recognizance.

“Some of these people were convicted, fined, and imprisoned; which put an end to a piece of knight-errantry, equally aggravating to the populace and burthensome to the country. On this occasion, Sir, you were alike successful in the diffusion of a military spirit through the colony and in the warlike exhibition you set before the public; you at once disposed the vulgar to hostilities, and proved the legality of arming, in cases of dispute, by example. Thus warranted by precedent and tempered by sympathy, popular discontent soon became resentment and opposition; revenge superseded justice, and force the laws of the country; courts of law were treated with contempt, and government itself set at defiance. For upwards of two months was the frontier part of the country left in a state of perfect anarchy. Your Excellency then thought fit to consult the representatives of the people, who presented you a bill which you passed into a law. The design of this act was to punish past riots in a new jurisdiction, to create new offences and to secure the collection of the public tax; which, ever since the province had been saddled with a palace, the Regulators had refused to pay. The jurisdiction for holding pleas of all capital offences was, by a former law, confined to the particular district in which they were committed. This act did not change that jurisdiction; yet your Excellency, in the fulness of your power, established a new one for the trial of such crimes in a different district. Whether you did this through ignorance or design can only be determined in your own breast; it was equally violative of a sacred right, every British subject is entitled to, of being tried by his neighbours, and a positive law of the province you yourself had ratified. In this foreign jurisdiction, bills of indictment were preferred, and found, as well for felonies as riots against a number of Regulators; they refused to surrender them-

selves within the time limited by the riot act, and your Excellency opened your third campaign. These indictments charged the crimes to have been committed in Orange county, in a distinct district from that in which the court was held. The superior court law prohibits prosecution for capital offences in any other district, than that in which they were committed. What distinctions the gentlemen of the long robe might make on such an occasion I do not know, but it appears to me those indictments might as well have been found in your Excellency's kitchen; and give me leave to tell you, Sir, that a man is not bound to answer to a charge that a court has no authority to make, nor doth the law punish a neglect to perform that, which it does not command. The riot act declared those only outlawed who refused to answer to indictments legally found. Those who had been capitally charged were illegally indicted, and could not be outlaws; yet your Excellency proceeded against them as such. I mean to expose your blunders, not to defend their conduct; that was as insolent and daring as the desperate state your administration had reduced them to could possibly occasion. I am willing to give you full credit for every service you have rendered his country. Your active and gallant behaviour, in extinguishing the flame you yourself had kindled, does you great honor. For once your military talents were useful to the province; you bravely met in the field, and vanquished, an host of scoundrels, whom you had made intrepid by abuse. It seems difficult to determine, Sir, whether your Excellency is more to be admired for your skill in creating the cause, or your bravery in suppressing the effect. This single action would have blotted out for ever half the evils of your administration; but alas, Sir! the conduct of the general after his victory, was more disgraceful to the hero who obtained it, than that of the man before it had been to the governor. Why did you stain so great an action with the blood of a prisoner who was in a state of insanity? The execution of James Few was inhuman; that miserable wretch has entitled to life till nature, or the laws of his country, deprived him of it. The battle of the Allemance was over; the soldier was crowned with success, and the peace of the province restored. There was no necessity for the infamous example of an arbitrary execution, without judge or jury. I can freely forgive you, Sir, for killing Robert Thompson, at the beginning of the battle; he was your prisoner, and was making his escape to fight against you. The laws of self-preservation sanctified the action, and justly entitle your Excellency to an act of indemnity.

"The sacrifice of Few, under its criminal circumstances, could neither atone for his crime nor abate your rage; this task was reserved for his unhappy parents. Your vengeance, Sir, in this instance, it seems, moved in a retrograde direction to that proposed in the second commandment against idolaters; you visited the sins of the child upon the father, and, for want of the third and fourth generation to extend it to, collaterally divided it between brothers and sisters. The heavy affliction, with which the untimely death of a son had burthened his parents, was sufficient to have cooled the resentment of any man, whose heart was susceptible of the feelings of humanity; yours, I am afraid, is not a heart of that kind. If it is, why did you add to the distresses of that family? Why refuse the petition of the town of Hillsborough in favor of them, and unrelentingly destroy, as far as you could, the means of their future existence? It was cruel, Sir, and unworthy a soldier.

"Your conduct to others after your success, whether it respected person or property, was as lawless as it was unnecessarily expensive to the colony. When your Excellency had exemplified the power of government in the death of a hundred Regulators, the survivors, to a man, became proselytes to government; they readily swallowed your new-coined oath, to be obedient to the laws of the province, and to pay the public taxes. It is a pity, Sir, that, in devising this oath, you had not attended to the morals of those people. You might easily have restrained every criminal inclination, and have made them good men, as well as good subjects. The battle of the Allamance had equally disposed them to moral and to political conversion; there was no necessity, Sir, when the people were reduced to obedience, to ravage the country, or to insult individuals.

"Had your Excellency nothing else in view than to enforce a submission to the laws of the country, you might safely have disbanded the army within ten days after your victory; in that time the chiefs of the Regulators were run away, and their deluded followers had returned to their homes. Such a measure would have saved the province twenty thousand pounds at least. But, Sir, you had farther employment for the army; you were, by an extraordinary bustle in administering oaths, and disarming the country, to give a serious appearance of rebellion to the outrage of a mob; you were to aggravate the importance of your own services by changing a general dislike of your administration into disaffection to his Majesty's person and government, and the riotous conduct that dislike had occa-

sioned into premeditated rebellion. This scheme, Sir, is really an ingenious one; if it succeeds, you may possibly be rewarded for your services with the honor of knighthood.

“From the 16th of May to the 16th of June, you were busied in securing the allegiance of rioters, and levying contributions of beef and flour. You occasionally amused yourself with burning a few houses, treading down corn, insulting the suspected, and holding courts-martial. These courts took cognizance of civil as well as military offences, and even extended their jurisdiction to ill-breeding and want of good manners. One Johnston, who was a reputed Regulator, but whose greatest crime, I believe, was writing an impudent letter to your lady, was sentenced, in one of these military courts, to receive five hundred lashes, and received two hundred and fifty of them accordingly. But, Sir, however exceptionable your conduct may have been on this occasion, it bears little proportion to that which you adopted on the trial of the prisoners you had taken. These miserable wretches were to be tried for a crime made capital by a temporary act of Assembly, of twelve months' duration. That act had, in great tenderness to his Majesty's subjects, converted riots into treasons. A rigorous and punctual execution of it was as unjust, as it was politically unnecessary. The terror of the examples now proposed to be made under it was to expire, with the law, in less than nine months after. The sufferings of these people could therefore amount to little more than mere punishment to themselves. Their offences were derived from public and from private impositions; and they were the followers, not the leaders, in the crimes they had committed. Never were criminals more justly entitled to every lenity the law could afford them; but, Sir, no consideration could abate your zeal in a cause you had transferred from yourself to your sovereign. You shamefully exerted every influence of your character against the lives of these people. As soon as you were told that an indulgence of one day had been granted by the court to two men to send for witnesses, who actually established their innocence, and saved their lives, you sent an aid-de-camp to the judges and attorney-general, to acquaint them that you were dissatisfied with the inactivity of their conduct, and threatened to represent them unfavorably in England, if they did not proceed with more spirit and despatch. Had the court submitted to influence, all testimony on the part of the prisoners would have been excluded; they must have been condemned, to a man. You said that your solicitude for

the condemnation of these people arose from your desire of manifesting the lenity of government in their pardon. How have your actions contradicted your words! Out of twelve that were condemned, the lives of six only were spared. Do you know, Sir, that your lenity on this occasion was less than that of the bloody Jeffries in 1685? He condemned five hundred persons, but saved the lives of two hundred and seventy.

“ In the execution of the six devoted offenders, your Excellency was as short of General Kirk in form, as you were of judge Jeffries in lenity. That general honored the execution he had the charge of with play of pipes, sound of trumpets, and beat of drums; you were content with the silent display of colors only. The disgraceful part you acted in this ceremony, of pointing out the spot for erecting the gallows, and clearing the field around for drawing up the army in form, has left a ridiculous idea of your character behind you, which bears a strong resemblance to that of a busy undertaker at a funeral. This scene closed your Excellency’s administration in this country, to the great joy of every man in it, a few of your own contemptible tools only excepted.

“ Were I personally your Excellency’s enemy, I would follow you into the shade of life, and show you equally the object of pity and contempt to the wise and serious, and of jest and ridicule to the ludicrous and sarcastic. Truly pitiable, Sir, is the pale and trembling impatience of your temper. No character, however distinguished for wisdom and virtue, can sanctify the least degree of contradiction to your political opinions. On such occasions, Sir, in a rage, you renounce the character of a gentleman, and precipitately mark the most exalted merit with every disgrace the haughty insolence of a governor can inflict upon it. To this unhappy temper, Sir, may be ascribed most of the absurdities of your administration in this country. It deprived you of every assistance men of spirit and abilities could have given you, and left you, with all your passions and inexperience about you, to blunder through the duties of your office, supported and approved by the most profound ignorance and abject servility.

“ Your pride has as often exposed you to ridicule, as the rude petulance of your disposition has to contempt. Your solicitude about the title of *Her Excellency* for Mrs. Tryon, and the arrogant reception you gave to a respectable company at an entertainment of your own making, seated with your lady by your side on elbow-



chairs, in the middle of the ball-room, bespeak a littleness of mind, which, believe me, Sir, when blended with the dignity and importance of your office, renders you truly ridiculous.

“ High stations have often proved fatal to those who have been promoted to them ; yours, Sir, has proved so to you. Had you been contented to pass through life in a subordinate military character ; with the private virtues you have, you might have lived serviceable to your country, and reputable to yourself ; but, Sir, when, with every disqualifying circumstance, you took upon you the government of a province, though you gratified your ambition, you made a sacrifice of yourself.

“ Yours, &c.

“ ATTICUS.”

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*Note to Chapter First.*

The most indispensable duty of a writer of history is to give authority for what he states ; but I have been compelled in the first chapter to omit it. The pages of Martin would sustain all I have written ; but then he gives no particular reference to any authority whatever, except a general enumeration at the close of each chapter. I examined Martin's “ History of the Revolution,” during the last summer, with the Council Journal before me, and found him generally accurate. Indeed, he actually copied in his text the very language of all the manuscript he consulted ; and yet he is sometimes in error, as in the case of the death of Judge Berry, whom he represents as living during the Wilmington sedition in the month of February, whereas he committed suicide on the first of January, 1766. The remote cause of his death was a duel, but not the one stated by Martin. The proceedings of the Assembly of 1765 have been taken out of the office of the Secretary of State by some Gothic plunderer ; and, as the most rigid scrutiny should be instituted for their recovery, I can only say, that Judge Martin seems to have once examined them, and that that circumstance will serve to note a period when they did exist.

I have a letter from Colonel John Ashe to John Harvey, dated the 3d of August, 1765, in which the excitement of that period is noticed and a mention made of the sudden prerogation of the Assembly.

## CHAPTER II.

### THE ADMINISTRATION OF GOVERNOR MARTIN.

JOSIAH MARTIN had attained to the rank of Major in the British army, when he was appointed Governor of North Carolina. The Royal government, besides the executive officer and the Assembly, comprised a Council, the members of which were recommended by the Governor, and appointed by the King. It may be proper at this time, to enumerate the members of that body, during the administration of Martin. They constituted the Upper House of the Legislature, and were dignified with the title of "The Honorable The Council." The President of the Council was the one first named in the King's instructions, and was, in the absence of a Lieutenant-Governor, the second officer of the government. The great error in the constitution of the Council, was its dependence on the executive, by virtue of his recommendatory power in the appointment of its members. Intended as a check on the other departments of the government, it thus became but the tool of the Governor, and soon lost the confidence of the people. I have attentively examined the Council Journal of Tryon and Martin, and have observed but few instances of difference of opinion, between the Governor and Council. The Council always advised as they supposed the Governor desired, and acted even in

in legislative capacity, as the merest servants of his

THE COUNCIL.

James Hasell,	Sir Nathaniel Duckinfield, Bart.
James Henry De Rossett,	John Sampson,
Alexander McCulloh,	William Dry,
Samuel Cornell,	Martin Howard,
Samuel Maduke Jones,	Samuel Strudwick,
John Rutherford,	Thomas McGuire.

By their advice, the Governor convened, prorogued, and dissolved the Assembly, and, while they were in a legislative capacity, he exercised alone the prerogative of a *veto*. And yet even an act of the popular House, that was fortunate enough to pass the ordeal of a subservient Council, and escape the supercilious veto of the Governor, was after all liable to the Royal disallowance. The voice of the people was indeed effectually smothered in the intricate arrangement of such a government. But the physical power was at last in their hands. The abstract right of rebellion, resistance, or nullification, could not be denied them, but their will is in the end the source of force and of power.

In the course of this chapter, I shall discuss the various conflicts between the Governor, and the popular House, which distracted his administration to the last; and I deem it necessary here to remark, that I have examined the manuscript volumes of the proceedings of the Assembly, in the office of the Secretary of State. I am so much indebted to these massive volumes, as well as to the Council Journal,\* that I here in the beginning acknowledge the obligation.

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\* There is no way of citing these books, there being no figures to the pages. I have quoted by dates in the text, which will serve the purpose of reference.

This, together with other incidental matter, will bring the history of Martin's administration down to the 1st of April, 1774.

The battle of Allemance was fought on the 16th of May ; and although this victory suppressed the rebellion of the Regulation, yet it did not destroy the existence of that party, which will still occasionally appear as one element, in the general dissatisfaction of the people. Their leaders after their defeat, had fled beyond the reach of the vengeance of Tryon, and the people had returned to their homes, and the peaceable cultivation of their farms. The respectability of their numbers, as well as the violent strife of the late contest, had impressed the government with some degree of respect for their complaints. The first official duty of Governor Martin was to notice the Regulators, and to denounce in a proclamation the frauds and extortions of the officers of the Province. The conduct of his Excellency was mild and conciliatory, and even this laudable humanity alienated the affections of many of the most eminent adherents of his predecessor. The violence of the Regulation had engendered irreconcilable difficulties among the ranks of the people, and generated a spirit of persecution, more injurious than even the ravages of the rival armies. The proclamation of the Governor extinguished this licentious spirit, and extended an assurance of the protection of the law to all who should be oppressed by the extortions of its officers.

The meagre page of Williamson imputes the vulgar feelings of envy and jealousy to Governor Martin, as the motives of his clemency, and accuses him of censuring the administration of Governor Tryon, as a means of securing the loyalty of the Regulators.\* The popularity or

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\* Williamson's North Carolina, Vol. II., p. 163.

power of Tryon was well illustrated by the magnificence of his palace, the devotion of the popular House of the Assembly, and the submissive obedience of the people in the eastern section of the State. For more than five years, he was supported by the coördinate branches of the government in a career of extravagance and extortion, which would, even at the present day, provoke the resistance of the people, and the wisdom and humanity, and not the vulgar ambition, of Governor Martin was exhibited in a condemnation of his course. A story was industriously circulated among the Regulators, that their complaints and sufferings had reached the Throne, and that Tryon had been removed from the enjoyment of the luxury of his splendid palace, as a mark of royal censure; and this fiction, confirmed by the conduct of Martin, produced a singular revolution of parties throughout the Province. From the most inveterate hatred and opposition, the Regulators were converted to an enthusiastic support of the Provincial government, and, "with all the zeal, which new and fiery converts feel," embraced the standard of the King.

Such were the propitious omens that distinguished the entrance of Governor Martin on the duties of his office. On the 19th of November, the Assembly in its second session, met, for the first time, the newly appointed Governor, and reciprocated the congratulations and compliments, which adorned his first official speech.\* Richard Caswell, who had been elected speaker of the popular House at its former session, was again at his post, and in that situa-

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\* Journal of the 2nd session of the Assembly of 1770 and 1771; in the office of the Secretary of State at Raleigh.

ation was as much an object of public attention, as the chief magistrate himself. One of the generals of Governor Tryon, in the war of the Regulation, he had been distinguished by the personal friendship and confidence of his superior, and enjoyed all the advantages and distinctions incident to such an honor. In the same body was John Ashe, who was likewise one of the generals of Tryon, and whose wounds\* in the battle of Allemande, though not so fatal, were more numerous, than those of any of the heroes of that day. He had played a conspicuous part in the opposition to the Stamp Act, and was the leader of the people against Governor Tryon in the celebrated Wilmington sedition, on the occasion of the arrival of the Stamp ship in January, 1766.

Hugh Waddell, too, was a member of the popular House of this Assembly, and was a coadjutor\* of John Ashe in the Wilmington sedition, as well as in the Regulation. He was the most distinguished soldier of the Province, and had acquired great reputation as a skilful and brave commander in the great French war. Cornelius Harnett, "the Samuel Adams of North Carolina," represented the town of Wilmington, Samuel Johnston the county of Chowan, Willie Jones the town of Halifax, Joseph Hewes the town of Edenton, Abner Nash the county of Halifax, and John Harvey the county of Perquimons.† These, too, with the exception of the latter gentleman, had strictly adhered to the party of Tryon during the Regulation, and publicly lamented his removal to New York, as a calamity to the Province, over which he had so long presided. Such being the character of the popular House, a pru-

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\* Martin's History of North Carolina, Vol. II. pp. 210, 211.

† Journal of the Assembly of 1770 and 1771, 2nd session.

dent politician would observe the danger of any other course, than an unqualified approval of the administration of Tryon ; and the speech of Governor Martin accordingly alluded to "the lustre of his predecessor's character," and solicited "the generous and loyal support which had been yielded to that gentleman." The Regulators, however, were not without a representation, even in this session of the Assembly. Herman Husband, their chief and general, had been elected a member at the last election, and served a part of the session ; but on his defeat at Allemance, he had fled beyond the limits of the Province, and was at this time the subject of a Proclamation of outlawry, Thomas Person, however, was still a member of the House from Granville. In the sagacity and intrepidity of this extraordinary man, the principles of liberty, and not the principles of a party, found a fearless and efficient advocate. He was the champion of the whig principles of North Carolina, from the passage of the Stamp Act to the terminaton of the Revolution, and adhered to the cause of the people in every emergency. He was a leading Regulator ; and, although overcome\* by the defeat of his party at Allemance, and personally insulted by the minions and understrappers of Tryon, he still maintained the consistency and dignity of his character, more by his own energy and the love of the people, than by the favor or mercy of his opponents. Associated with him as a member of the House, was Maurice Moore, one of the Judges of the Superior Court of the Province, a citizen, who was remarkable for his love of learning and liberty, and who was known to have sympathized with the Regulators.

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\* I do not mean to say that he was at the battle of Allemance.

In the great riot at Hillsborough, in September, 1770, when Martin Howard was driven from the Bench, and Edmund Fanning personally chastised, the rioters respected the character of Judge Moore, and this is not the only evidence of his sympathy with the party of Thomas Person. Husband, in his History of the Regulation, publishes a letter from Judge Moore to Fanning, in which he denies the charge that he had encouraged the rebellion, although the author had prefaced the letter with a declaration, that he had encouraged it, and that the Tryon party were endeavouring to frighten him out of his purpose. The number of members of the House favorable to the Regulation was too few to constitute a regular party, and the prudence of the two leaders was exercised in preserving those that remained from the persecution of their enemies. In the course of these observations, I have intentionally omitted the names of two of the most decided Whigs of the House, men whose chivalry will be celebrated in another portion of this volume, and whose patriotism was then, as afterwards in 1775, proverbial. Thomas Polk and Abraham Alexander represented the county of Mecklenburg, in the popular house of this Assembly. The first conceived the independence of his country, and first avowed the propriety of dissolving the political bonds, which connected us with the mother country, of abjuring all political connexion with a nation that had wantonly trampled on our rights and liberties, and inhumanly shed the innocent blood of Americans at Lexington. The other citizen and patriot presided over the deliberations of the Convention, which, on the 20th of May, 1775, proclaimed these opinions as the sense of the people of Mecklenburg. Such names could not be



Enumerated in a computation of the strength of the Whig party in any other State, although even these are not noticed by any of "the historians of the adjacent States."

I now propose to submit a few observations, on the proceedings of the popular House of the Assembly, whereof those, whom I have mentioned, were leading members. The veil of oblivion, in accordance with the recommendation of Governor Martin, was drawn over the past unhappy troubles, and all the animosities and distinctions, which they created. The indomitable spirit of Thomas Person would, however, occasionally exhibit itself, whenever the interest or character of the Regulators was in danger. Maurice Moore, whom I have mentioned as Judge, as well as a member of the House, petitioned for leave of absence to attend his court at Wilmington, when Thomas Person objected to it, and with a few of his personal friends succeeded in detaining his old coadjutor as a member of the House. Person seemed to have been under an apprehension, that a loss of the presence and influence of Judge Moore would leave him in the hands of his enemies, and enable them to visit on his head some of the worn-out denunciations of Governor Tryon. The House resolved, however, to record the names of those who voted against the leave of absence to Judge Moore; and it stands recorded on the Journal of the second session of the popular House of the Assembly of 1770 and 1771, that Thomas Person, Griffith Rutherford, William Moore, Thomas Neill, James Picket, Robert Lanier, and Isaac Brooks were the nays on that simple question. On the 28th of November, Judge Moore introduced a bill in favor of the Regulators, which proposed a general pardon of all who had been concerned in said rebellion, and to prevent vexatious suits

and prosecutions; and the favorable reception of the bill by the House may be considered the final termination of that protracted controversy.

There was one question mooted during this session of the Assembly, the discussion of which fortunately separated Richard Caswell, Thomas Person, and the popular House, as a distinct party from the Governor and his friends. The people of the Province had, for many years, suffered the most intolerable oppression on account of the entire absence of a sound circulating medium; and this public grievance, together with the oppressions of the officers of the government, was the subject of the complaints of the Regulators. A statement of the public funds being exhibited by Mr. Burgwin, it appeared that the public officers had collected a larger amount for the redemption of the bills issued by the Assemblies of 1748 and 1754, than even their nominal value, and that there was still a balance in favor of the people of more than four thousand pounds. With this statement before them, the popular House passed a bill discontinuing the *poll tax*, and the duty on liquors, which had been laid to raise a fund for the assumption of the "*paper*" issued, and directed, in the same bill, the immediate redemption of the "*paper*," which was still in circulation.

The fact that so large an amount of money had been collected under the pretence of redeeming the "*paper*" issued, seemed to have been for the first time disclosed. The bill to discontinue these illegal taxes was introduced by Samuel Johnston of Edenton, and was immediately and unanimously passed. The Council, too, (not however without a division) passed the bill; but when the House presented it for the assent of the Governor, he re-

jected it. This seeming inattention to the distresses of the people was noticed by the House in the more official form of a resolution, declaring, that the aforesaid taxes and duties had served the purposes for which they were imposed, and ought to be discontinued. The Governor dissolved the Assembly on the 23d of December, the day on which the resolution of the House had been adopted, and, on the 29th of January succeeding, issued a proclamation, in the peroration of which he charged the officers to disobey the instructions of the popular House, and to execute the acts of 1748 and 1754, until they should be repealed formally and according to law. The party distinctions, drawn by the agitation of this question, lasted during the continuance of the government, and, under the guidance of Johnston, Caswell, Person, and their coadjutors, soon acquired strength and boldness sufficient to assail the existence of the Royal government.

(1772.) The year 1772 was spent by Governor Martin in visiting the different sections of the Province; and, if these gubernatorial tours had been prompted by a better motive than a love of pomp and the gratification of a vulgar pride, the ignorance, which he subsequently displayed of the spirit of the people over whom he was placed, might have been less conspicuous. The year rolled over without a meeting of the Assembly; and the only political event, which occurred in the Province, was the election of members to the popular House. Such was the triumph of the Whig party, that in many of the counties there was no opposition to the election of the old leaders, nor could the Governor be said to possess a party, powerful enough to affect either an election before the people, or the passage of a bill before the Assembly. Fully aware

of the gloomy prospect before him, — the friends of Tryon incensed at his abundant censure of the policy of that officer's administration, and Thomas Person and Maurice Moore, the two idolaters of liberty, too pure to be gained either by his flatteries or his bribes, — Martin, with the advice of the Council, avoided the violence of the storm by an extension of the period for the meeting of the Assembly. The writs of election were returnable on the 11th of May, and, only a few days before the time for its meeting, the Assembly was prorogued to the 10th of December.

In the mean time, his Excellency had executed a commission of the King by the appointment of commissioners to run the southward boundary line of the Province, which measure had been expressly forbidden by the popular House, and a committee, consisting of Cornelius Harnett, Robert Howe, and Maurice Moore, appointed to prepare an address to his Majesty on the ruinous consequences of such a step. The reply of Martin to the refusal of the House to make the appropriation necessary for the execution of the commission, expressed a deep regret, lest the King should be displeased that his royal and solemn determination should be disregarded, and promised to lay faithfully before his Royal Majesty the representations of the House. This latter clause, especially as his own influence at court which was represented, in the message of refusal, as being beyond all calculation, was earnestly invoked, was construed by the House as a promise not to proceed to the execution of the commission, until their representations received the consideration of the Throne. This course, so well calculated to harass the already excited feelings of the leading men of every party, was viewed by the friends of Governor Tryon, as an insidious effort of Martin to disparage

the reputation of their old general. The boundary line proposed to be run was the conception of Lord Charles Montague, \* who, in 1768, proposed it to Tryon, as the permanent boundary of the two Carolinas. Tryon not only condemned it as ruinous to his own Province, but wrote to the Secretary of State, setting forth his objections at large. In the year 1770, however, Lord Montague contrived to obtain the commission, which Governor Martin was so eager to execute, and which Governor Tryon had so frequently, and indeed so justly, condemned, as a calamity to the Province. It was a gross deception of the House to assure them that their representations should reach the Throne, and an unauthorized stretch of power to proceed to execute such a commission, before those representations had received the King's disallowance. The Province was condemned unheard, not only by the ministers at home, but by its own chief magistrate. Thus the prospects of the Governor grew darker and darker, as the period for the meeting of the Assembly approached. Starting, as it were, from the unbroken phalanx, which seemed already arrayed, he again shrunk from the contest, and prorogued the Assembly to the 6th of January, 1773.

(1773.) The new Assembly did not, however, convene in New Berne until the 25th of January, and the popular House illustrated its political character by the election of John Harvey, one of the most distinguished Whigs of the Province, to the office of Speaker. I can but admire the quaint, and yet dignified manner, in which the popular House was at that period organized. The first step after the qualification of the members (which was always done

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\* Council Journal of Tryon, in 1768.

in the presence of two of the Council, appointed on the duty by the Governor,) was to depute two of the member to wait on his Excellency, and inform him, that they had qualified, and awaited his commands. The next step was a verbal message from the Governor, by his private Secretary, requiring their immediate attendance in the palace. The whole body then proceeded to the palace, and enjoyed a most fashionable call of a few moments, after which the Governor would direct them to return, and make choice of a Speaker. The next step was, "Mr. Richard Caswell proposed and set up John Harvey, Esquire, who was unanimously chosen Speaker, and placed in the chair accordingly." Two members again visited the palace, and desired to know when they should wait on his Excellency, to present their Speaker, and always received in reply, that he would send a message when he would receive them.

In a few moments (as in the present case with Mr. Biggleston), the private Secretary arrived, requiring their immediate attendance in the palace. The House then proceeded as directed, and formally presented their Speaker "whom His Excellency was pleased to approve." "Then Mr. Speaker requested His Excellency to confirm the rights and privileges of the House, that no mistake or error of his might be imputed to the House; to which His Excellency was pleased to answer, he would support the House in all their just rights and privileges, and then made a speech to his Majesty's Council and the House." On the return of the members, the Speaker informed them that His Excellency had made a speech to the Council and the House, a copy of which, to prevent mistakes, he had procured, and begged leave to lay before them. The

speech was then read, and a committee appointed to prepare an address in answer, and then, and then only, the House proceeded to the despatch of public business. How completely have, not only the principles, but the empty and innocent forms of the British Government shrunk before the renovating spirit of our great revolution! Ever changing as it is, the lapse of a century may leave for the curiosity of the antiquarian, the habits and opinions of those whose old age is associated with the recollections of our childhood. The most heroic deeds, the consequence of which would be felt for ages in any other clime, are acted only to be forgotten, and like the fashions of legislation, or of dress, yield to the new and startling things that flash around us.

To the new Assembly, the organization of which I have thus detailed, many of those whose names I have enumerated as leading members of the House in 1771, were returned. Thomas Polk and Abraham Alexander were not members of this Assembly, the first having been employed in the service of the Governor, and the latter not having solicited the suffrages of the people. The county of Mecklenburg was, in this Assembly, represented by Martin Phifer and John Davidson; and at this period, too, William Hooper made his appearance as a member from the rotten borough of Campbelton. The character of this eminent patriot seemed to have been well appreciated, even at this early day. He was, in conjunction with Caswell and Howe of Brunswick, appointed on a committee to prepare the answer of the House to the speech of the Governor, and was the chairman of the committee on the Court system, the most important station, next to the Speaker's chair, to which a member could be called. On the 28th of January he introduced a bill for the relief of in-

solvent debtors, in which he proposed to qualify the law for the imprisonment of their persons. During the whole session he was considered one of the leading members, and esteemed as a valuable acquisition to the Whig party in the House.

The great power entrusted to the Royal Governors by the authority of the King, and the exercise of which so frequently trammelled the legislation of the popular House, was a source of incessant and angry contention. The right of an absolute *veto* on the acts of the Assembly was a power sufficiently vexatious, and, combined with that of proroguing or dissolving at pleasure the whole Assembly, made him virtually the sovereign of the Province. In this Assembly, as in all others for the previous twenty years, opposition to such a right was the test of "*loyalty to the people*"; and by various means the leading Whigs of the State had, during that time, striven to fortify the Assembly and the courts against the encroachment of this paralytic power. A bill was introduced by Robert Howe of Brunswick, aimed at this prerogative of the Governor, and which proposed to establish triennial Assemblies, and to regulate elections. The proposition of course stood no chance of becoming a law, whilst the Governor retained the right of a *veto*, although such was the ardent and unanimous desire of the people of the Province. But, if the too frequent exercise of these high powers restrained the action of the popular House, the Governor not unfrequently found the refusal of the assent of that body, in cases where it was indispensable, such as appropriations, a source of great mortification, and sometimes of official degradation. On the 17th of February, "a claim upon the public, for one hundred and seventy-two pounds, ten shillings, being



presented to the House in behalf of Thomas Polk, for services, said to be done this colony, as surveyor, in running the dividing line between North and South Carolina, the House, having taken the same into consideration, *Resolved*, That, as the last Assembly so fully expressed the sense they had of the injury that would accrue to this colony, should the line then proposed to be run be carried into execution, and as this House are actuated by the same sentiments, they cannot by any means consider any persons employed in that service, as the servants of this community, and consequently cannot think them entitled to any allowance from this colony for lending aid to execute a measure so detrimental to its interest." \* This extract will explain, not only the inflexibility of the House, but the cunning of the Governor. In executing the commission he had appointed a man, distinguished for his great popularity, both in the House and among the people, and hoped, by thrusting his claims forward, to obtain an acknowledgment of the claims of the other commissioners, through the influence of the name of Thomas Polk. The House, however, sustained the ground taken by their predecessors; nor did even Mr. Polk escape without the reprimand contained in the last clause of the extract. At a later period of the session, the Governor, by a message, insisted on the allowance of the claims of the commissioners, and promised his influence at court, which he had been persuaded was immense, to procure an abandonment of the boundaries established in the commission. The House, however, still maintained its purpose, and the Governor was left to his own resources to compensate (if he did compensate) the board of com-

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\* Journal of the Assembly of 1773, February 17th.

missioners. In this he learnt a salutary lesson, that the voice of those over whom he presided must be respected, and that arbitrary power must, with its own means, support its own high-handed acts.

On the 27th of February, Governor Martin introduced to the notice of the House the pecuniary losses of the celebrated Edmund Fanning, a name remarkable in the annals of the State, for all the vices that degrade the most abandoned and profligate minion. To his wicked abuse of the responsible office of Recorder of Deeds for the county of Orange, a station which he held during the whole period of the administration of Governor Tryon, the war of the Regulation was more than to any other cause indebted for its origin. By the success of his vicious designs nearly all the estates of Orange were loaded with doubts as to their titles, with exorbitant fees for recording the new and unnecessary deeds, and high taxes to support a government which protected his wickedness. Amidst the ravages of the Regulation, as might have been expected, neither his person nor his property was respected; and, after the battle of Allemance, he commenced suits against divers persons "for the great injuries done his property during that unhappy rebellion." Governor Martin, whose clemency towards the Regulators I have already remarked, fearing (to use his own language) lest those suits might have a tendency to keep alive the dissension, did recommend it to that gentleman to withdraw his prosecutions, and to expect reparation from the equity of the legislature. Such, however, was the odium of his name, that Mr. Fanning's claim was peremptorily refused, and the Governor informed that it was inconsistent with the dignity of the House to give such importance to Mr. Fanning's private losses, as

to make them the subject of public deliberation. His name, I am of opinion, is not again associated with the events of our history, save in the confiscation act of 1777.

In the course of this session, the vexed question of a Court law was agitated, and a bill, framed upon liberal principles, adopted by the popular House. No subject in the whole political history of North Carolina was ever the source of more contention, than the Court system under the Royal Governors. For more than twenty years before the Revolution, the popular House and the Governors were divided on the details of a bill to establish Courts of Law. The courts, when established, were limited to the existence of a few years, at the expiration of which time the violence of the strife again commenced. The controversy harassed the declining years of Governor Dobbs in 1762, was again renewed in 1768, and was, now for the last time, the source of contention between the people and the Royal Governor. The essence of this controversy was the independence of the Associate Judges, and the right of attaching the property of non-residents, which was claimed by the House as an indispensable power. The latter subject was at this time, however, the most prominent in the dispute, and continued to be so during the existence of the royal government. In the latter part of this period, the Province was without courts, and the people depended on tribunals of Oyer and Terminer, and an Inferior Court palsied by the restrictions of the Governor and Council, for the peace of the community, and the adjudication of their causes. Wearied with this state of anarchy and confusion, they gladly embraced the cause of the Revolution, and carried into its support and defence much of the enthusiasm and zeal, which they acquired in the violent contentions on the Court-law controversy.

There was, however, one bill framed in the House, by a committee under instructions, which, after some little dispute between the House and the Council, was passed by the assent of the Governor. It contained a clause suspending its effect until the King's pleasure was known and, as it was disallowed by his Majesty, deserves only to be mentioned, as a means of illustrating the position of the parties in the famous attachment controversy. The instructions of the House, upon which the bill was framed exhibit a disposition to abridge the power of the officers of the court not responsible to the people, and to increase the jurisdiction of those who were more dependent on their will. In the contest, the House endeavoured to impair the influence of the executive, by taking from the Superior Court the mass of petty business, which crowded its docket, and to give to the Inferior Courts, not only that species of business, but exclusive jurisdiction in all administration and testamentary matters. The Judges of the Superior Court, being the Chief Justice, appointed by the Crown, and two Associates, appointed virtually by the Governor, were more liable to be the favorites of His Excellency, and his faithful Council, than the Judges of the Inferior tribunals, who were, of necessity, directly from the people. The bill contemplated three distinct tribunals, the Superior and County Courts, and the jurisdiction of an Esquire out of court to the value of five pounds. It vested the appointment of the clerks of the Superior Courts, a power which had been exercised by the clerk of the Crown, in the Chief Justice, and prohibited the clerks of the pleas from selling the clerkship of the Inferior Courts. The Council sought to insert divers amendments, when the bill was before them, and, among them, one softening the rigor

of the attachment process, which, in North Carolina, as in the other Provinces, prevailed in all its severity. It was the only one of the amendments, which met the approbation of the House, and its success, no doubt, emboldened the Council to undertake, subsequently, its absolute overthrow. The bill with its suspending clause became a law, and enacted that with reference to "attachments, where the defendants resided in Europe, proceedings should be stayed before plea, one year."

Martin Howard, the Chief Justice, assisted by Maurice Moore and Richard Henderson, Associate Justices, presided on the Bench of the Superior Court, which was to expire by limitation at the close of the present session of the Assembly; and the House, foreseeing the disastrous state of things, which the entire absence of all courts would create, passed separate bills to renew and continue the acts of 1768, which established the existing tribunals. The Council, however, sought this, the first opportunity, to urge the entire abandonment of the attachment process, and, borrowing the very language of the King's instructions in the phraseology of their amendment, proposed an exception of "the estates of such persons as had never resided in the Province, from the process of attachment, otherwise than according to the laws and statutes of England, and that every clause and section in the before recited act, contrary thereto, should thenceforth be repealed." This is the point upon which the angry dispute arose, and upon which the proposed measure failed.

In the various messages which passed between the Council and the House, on this amendment, the former body declared, that its only object was to preserve the equality of the laws of the colony and the mother country, and that

therefore their amendment was so framed as to give to citizens of the Province the benefit of attachments, as they existed in England, and that what that right was, the courts of law could decide. In responding to this argument, the House declared that the right of attachment existed in England only as a franchise or privilege, and belonged only to a few of the oldest towns, and of course could not by any analogy be applied to the Province by the courts of law. They pronounced it a right, the existence of which was essential to the security of the property and the commercial prosperity of the Province, and one which they could not surrender. The right would, indeed, seem to have been indispensable to the security of all contracts with non-residents, who, from the absence of their persons, left no other security than their property in the Province, upon the faith of which they had obtained credit. It was on the 2d of March, that the House addressed an argumentative message to the Council, contending with great ability for the right of attachment, and concluding with the following temperate and dignified appeal; "The House bears the fullest testimony to the necessity of courts of law, and the disadvantages, which must arise from a failure of the due distinction of justice on the criminal and civil side, are too obvious to be mentioned. They doubt not but your House equally feel for the honor and interest of this Province, and, conscious of the benefits, that have been derived to us from the right we have hitherto had of attaching the effects of foreigners, that you will not part with a provision, founded on the principles of mutual, reciprocal justice, the privation of which must necessarily destroy that confidence and credit to foreigners and our neighbour colonists, upon which

the trade and prosperity of this Province essentially depend." — *Journal of the House*, 1773.

The Council rejected the Superior Court bill, and after an unavailing attempt to insert their amendment in the Inferior Court act, concluded to pass the latter, as the only means of preserving the peace of the Province. Governor Martin, on the instructions of the King, refused his assent even to that, and thus destroyed the last hope of sustaining the administration of the law. On the 6th of March, the House came to the unanimous resolution, that the right of attaching the effects of foreigners had proved highly beneficial to the people of the Province, and that they could not relinquish it without abandoning the interest of their constituents, and the peace and happiness of the colony. A variety of causes occurred, during the first days of March, to harass the mind of the Governor, and, combined with the above resolution, provoked, on the day of its passage, the prorogation of the Assembly. The distresses of Mr. Fanning, and the exciting topic of the Southern boundary, had been again introduced by His Excellency; and the positive refusal of the House to approve of either inflicted (to use his own language) "those painful sensations, that must sting every honest mind, for he saw himself the purchaser of a benefit to the public at the price of doing an essential although an undesigned wrong."

The instructions, which the House, on the day of its prorogation, gave their committee of correspondence, to serve also as instructions to Henry Eustace McCulloh, the agent of the Province, resident in London, were principally founded on the attachment and Southern boundary controversy.

Mr. McCulloh was instructed to lay before the Throne the principles upon which the House had acted in these two cases, and to endeavour to procure the Royal assent to the act with the suspending clause. The Speaker with the House waited on His Excellency at the palace, at six o'clock, on the 6th of March, and, after presenting a large number of bills, for his assent, the whole Assembly was prorogued for three days. Accordingly on the 9th, the Council being in session, the following events took place, which I shall extract from the Council Journal of that date.

“ His Excellency acquainted the Council, that, having on Saturday prorogued the Assembly to this present Tuesday in order to give them a fair opportunity to reconsider the state of the colony and to proceed to the despatch of public business, he was this morning informed by their clerk that there were not members enough in town to make a House. His Excellency communicated to the board the Royal instructions which constitute fifteen a Quorum, and advised with them whether he should send a message to the Speaker to acquaint the House therewith, and that he was ready to proceed to business with that number ; to this they unanimously agreed, and the following message was sent, — viz.

“ Mr. Speaker of the House of Assembly,

“ Having received information this morning by the clerk of the Assembly, that there were not members in town sufficient to make a House, I am to inform you that, by His Majesty's Royal instructions to me, fifteen members of the House of Assembly make a Quorum, and that I am ready to proceed upon the public business with such Quorum.’

“ To which message his Excellency, receiving an immediate answer, was pleased to communicate the same to the Council, viz.

“ Sir,

“ In answer to your Excellency's message I am to inform you, that it is the opinion of the members of the Assembly now in town, that it is not consistent with the duty they owe their constituents



to proceed to make a House, unless there be a majority of the Representatives of the people to constitute the same.

“ I am, &c.

“ *To his Excellency, &c.*

JOHN HARVEY.

“ *New Berne, 9th March, 1773.*

“ His Excellency then proposed to send another message to the Speaker to know if he had any expectation of more members arriving this day, which being approved by the Council was thus expressed.

“ Mr. Speaker of the House of Assembly,

“ I desire to know whether you have or have not expectation or assurance that more members of the House of Assembly than are now in town will appear this day to carry on the public business of the country.

JO. MARTIN.’

“ Soon after his Excellency imparted to the Council the Speaker’s answer to the above message, viz.

“ SIR,

“ I am to inform you that I have not the least expectation of the arrival of any members, and most of those who are now in Town are preparing to return home.

“ I am, &c.

“ *To his Excellency, &c.*

JOHN HARVEY, *Speaker.*’

“ The Council then came to the resolution, that, as the House had deserted their duty and flagrantly insulted the dignity and authority of government after the invitation of the Governor to return to their business, His Excellency had no alternative left but to dissolve the Assembly, which was accordingly done, and a new one called on the succeeding 1st of May.”

The dissolution of the Assembly left the Province without any other form of government than an irresponsible executive and his faithful Council. They endeavoured to supply the place of the courts of justice by commissioners of Oyer and Terminer, and even this step contributed to strengthen the opposition to the Governor. It was viewed as an effort on his part to show the people, that the courts could be continued and the whole administration of the government sustained without the aid of their Representatives.

Throughout the whole controversy the Council had acted on the authority of the King's instructions, which the Governor had laid before them, and which contained a positive prohibition as to attachments on the property of non-residents. I shall here introduce those instructions, and although I may justify the conduct of his Excellency, as founded on the orders of his master, yet I cannot acquit the Council of the charge of submissively following the will of the Governor in a cause, so vitally affecting the interest and happiness of the people of the province.

“ **GEORGE R.** } “ Additional instructions to our trusty and well beloved Josiah Martin, Esq., our Captain General and Governor in Chief in and over our Province of North Carolina in America. Given at our Court at St. James’, the fourth day of February, 1772, in the twelfth of our reign.

“ Whereas, laws have been passed in some of our colonies and plantations in America, by which the lands, tenements, goods, chattels, rights, and credits of persons, who have never resided within the colonies where such laws have been passed, have been made liable to be attached for the recovery of debts, in a manner different from that allowed by the law of England in like cases; and whereas it hath been represented unto us that such laws may have the consequence to prejudice and obstruct the commerce between this kingdom and our said colonies, and to affect public credit. It is therefore our will and pleasure that you do not on any pretence whatever give your assent to, or pass any bill or bills in our province under your government, by which the lands, tenements, goods, chattels, rights, and credits of persons who have never resided within our said Province shall be made liable to be attached by the recovery of debts due from such persons otherwise than is allowed by law in cases of a like nature within our kingdom of Great Britain, until you shall first have transmitted to us, by one of our principal secretaries of state, the drafts of each bill or bills, and shall have received our royal pleasure thereupon, unless you take care in the passing of such bill or bills, that a clause or clauses be inserted therein suspending and deferring the execution thereof, until our royal will and pleasure shall be known thereupon. G. R.” — *Memoir of Josiah Quincy, Jun.*, p. 118.

The volume from which I have drawn the above state-paper contains several pages on North Carolina, written during the year 1773, and as I am anxious in the defence of the State to cite the highest authority in her favor, I embrace the opportunity to extract so much of the journal of the distinguished subject of that Memoir as relates to my native state. It will be found to be a flattering compliment to many of her most distinguished sons, and will be read with pleasure by many of their descendants, as the worthiest testimony to the patriotism and virtue of their forefathers.

“Lodged the last night in Brunswick, N. C., at the house of William Hill, Esq., a most sensible, polite gentleman, and though a crown officer, a man replete with sentiments of general liberty, and warmly attached to the cause of American freedom.

“March 27th (1773.) Breakfasted with Colonel Dry, the collector of the customs, and one of the Council, who furnished me with the following instructions given Governor Martin, and, as Col. Dry told me Governor Martin said, to all the colony governors likewise.”  
(*Then follows the paper just cited.*)

“March 27th. Colonel Dry is a friend to the Regulators, and seemingly warm against the measures of British and Continental administrations. He gave me an entire different account of things from what I had heard from others. I am now left to form my own opinion, and am preparing for a water tour to Fort Johnston. Yesterday was a most delightful day. — Fort Johnston is a delightful situation.

“March 28th. I go to church this day at Brunswick, — hear W. Hill read prayers, — dine with Colonel Dry, — proceed to-morrow to Wilmington, and dine with Dr. Cobham with a select party. Colonel Dry's mansion is justly called the house of universal hospitality.

“March 29th. Dine at Dr. Thomas Cobham's, in company with Harnett, Hooper, Burgwin, Dr. Tucker, &c., in Wilmington; lodged also at Dr. Cobham's, who has treated me with great politeness, though an utter stranger, and one to whom I had no letters. Spent the evening with the best company of the place.

" March 30th. Dined with about twenty at Mr. William Hooper's, — find him *apparently* in the Whig interest, — has taken their side in the House, — is caressed by the Whigs, and is now passing his election through the influence of that party. Spent the night at Mr. Harnett's, — the Samuel Adams of North Carolina (except in point of fortune). Robert Howe, Esq., Harnett and myself made the social triumvirate of the evening. The plan of continental correspondence highly relished, much wished for, and resolved upon as proper to be pursued.

" April 1st. Set out from Mr. Harnett's for Newbern.

" April 2d. Reached Newbern about eleven o'clock, A. M. Waited upon Judge Howard and spent about an hour with him. Did not present the rest of my letters, because of the fine weather for travelling, and no court of any kind sitting or even in being in the province. Judge Howard waited upon me in the evening with recommendatory letters to Colonel Palmer of Bath, and Colonel Richard Buncombe of Tyrrell county.

" April 4th. Reached Bath in the evening, did not deliver my letters, but proceeded next morning to Mr. Wingfield's parish, where I spent the Sabbath.

" April 5th. Breakfasted with Colonel Buncombe,\* who waited upon me to Edenton Sound, and gave me letters to his friends there. Spent this and the next day in crossing Albemarle Sound and in dining and conversing in company with the most celebrated lawyers of Edenton. From them I learned that Dr. Samuel Cooper of Boston was generally (they said universally) esteemed the author of ' Leonidas,' who, together with ' Mucius Scævola,' was burnt in effigy under the gallows by the common hangman. There being no courts of any kind in this province, and no laws in force by which any could be held, I found little inclination or incitement to stay long in Edenton, though a pleasant town. Accordingly, a guide offering his directions about evening, I left the place and proceeded just into the bounds of Virginia, where I lodged the night. The soils and climates of the Carolinas differ, but not so much as their inhabitants. The number

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\* I have heard an anecdote in North Carolina highly illustrative of the hospitality of Colonel Buncombe, which I shall take the liberty to record. On the arch of the outer gate of his mansion was inscribed the following distich :

" Welcome all  
To Buncombe Hall."

of negroes and slaves is much less in North than in South Carolina. Their staple commodity is not so valuable, not being in so great demand as the rice, indigo, &c., of the South. Hence labor becomes more necessary, and he who has an interest of his own to serve is a laborer in the field. Husbandmen and agriculture increase in number and improvement. Industry is up in the woods at tar, pitch, and turpentine; in the fields, ploughing, planting, clearing, or fencing the land. Herds and flocks become more numerous. You see husbandmen, yeomen, and white laborers scattered through the country, instead of herds of negroes and slaves. Healthful countenances and numerous families become more common, as you advance north. Property is much more equally diffused in one province than in the other, and this may account for some, if not for all the differences of character in the inhabitants. However, in one respect I find a pretty near resemblance between the two colonies; I mean the state of religion. It is certainly high time to repeal the laws relative to religion, and the observation of the Sabbath, or to see them better executed. Avowed impunity to all offenders is one sign at least, that the laws want amendment or abrogation. Alike as the Carolinas are in this respect, they certainly vary much as to their general sentiments, opinions, and judgments. The staple commodities of North Carolina are all kinds of naval stores, Indian corn, hemp, flaxseed, some tobacco, which they generally send into Virginia, &c. The culture of wheat and rice is making quick progress, as a spirit of agriculture is rising fast. The favorite liquors of the Carolinas are Claret and Port wines, in preference to Madeira or Lisbon. The commerce of North Carolina is much diffused through the several parts of the province. They in some respects may be said to have no metropolis, though Newberne is called the capital, as there is the seat of government. It is made a question which carries on the most trade, whether Edenton, Newberne, Wilmington, or Brunswick. It seems to be one of the two first. There is very little intercourse between the northern and southern provinces of Carolina. The present state of North Carolina is really curious; there are but five provincial laws in force through the colony, and no courts at all in being. No one can recover a debt, except before a single magistrate, where the sums are within his jurisdiction, and offenders escape with impunity. The people are in great consternation about the matter; what will be the consequence is problematical." — *Memoir of Josiah Quincy, Jun.*, pp. 117-123.

The object of the distinguished tourist seems to have been the ascertainment of the views of the leading characters of the South on the project of a continental union. The high praise which he awards to many of our eminent citizens, and particularly the compliment to Mr. Harnett, I could not but record in the pages of a volume dedicated to the service and defence of the State. I cannot but regret that he should have passed so rapidly through New Berne, a city which was then, as it is now, distinguished for the patriotism and hospitality of its inhabitants.

In the course of the summer of this year a large colony of Scotch emigrants arrived in Wilmington, and proceeded up the Cape Fear River to Cross Creek, the present town of Fayetteville. That section of North Carolina from its earliest settlement to the present time has been in the possession of a Scotch population, presenting within itself all the varieties of wealth, comfortableness, and absolute poverty. They preserve the "*clannish*" spirit of their nation, and move in concert, in political affairs, more than any portion of the population of the State. I have frequently heard, even in North Carolina, imputations against the patriotism of these people during the great struggle for freedom, towards which my narrative is approaching; and although I am aware of the great degree of truth which belongs to such accusations, I cannot subscribe to the voice of indiscriminate denunciation. It was during the month of November, 1747, that a considerable colony of the adherents of the Pretender arrived in the State, and formed a settlement on the banks of the Cape Fear, as far up as Cross Creek. Many of these colonists were among the most faithful Whigs, and served in every capacity during the war. The colony which arrived during the sum-

mer of this year were attracted to the settlement of Cross Creek by no other motive than the company of their countrymen. The exiled adherents of the Pretender had no new-born zeal in the cause of the House of Hanover, and the little respect for British sovereignty which they retained was buried by the multitude of sympathies and local attachments which so long a residence had inspired. The purity of their American character was sullied, and their principles affected, by the admission of this new colony so recently from the mother country, and the Whigs were condemned on account of the large number of Tories found in their society. Nor was each and every one of the new colonists of the royal party. Many of them were soldiers, and a few of them officers in the state army, the organization of which I shall detail in the course of this part of my volume.

There were now three questions of absorbing interest to the people of North Carolina which were unconnected with the general causes of dissatisfaction prevailing in all the Colonies, and which incensed them more against the provincial government than against that of the mother country. The court controversy, the repeal of the acts of 1748 and 1754, laying a poll tax and a duty on liquors, and the Southern boundary question, were still the leading matters of public deliberation. The very recollection of this last inflamed the people against the Governor, and the most prudent men of the Province saw with indignation the immense loss sustained by the adoption of the boundary line run by the commissioners. In the new Assembly which convened during this year, and which was prorogued after a session of only seventeen days, the court system occupied nearly the whole period of public discussion.

The project of a continental correspondence was sanctioned, and a committee elected, but the all important question was, the salvation of the people from the jaws of foreign speculators, by guarding and preserving inviolably the right of attachment. The Assembly convened in New Berne on the 4th of December, and "Mr. John Campbell of Bertie proposed and set up Colonel John Harvey who was unanimously chosen Speaker, and placed in the chair accordingly." The speech of Governor Martin was devoted exclusively to the court system. He candidly disclosed the only principles upon which he could assent to the court law, and declared that the limitation of the original jurisdiction of the Superior Courts, and the extension of that of the Inferior Courts of justice, designed by the act of the last Assembly, were deemed totally inadmissible. He introduced to the notice of the House the propriety of making the necessary appropriation to defray the charges incident to the Courts of Oyer and Terminer, and especially to make provision for the judges, suitable to their eminent services. Maurice Moore and Richard Caswell had been appointed by his Excellency to preside as Associates to Chief Justice Howard, and I need not suggest the obvious policy of their appointment. He knew full well the unpopularity of Martin Howard; and, apprehending the failure of an appropriation bill on that account, he sought to achieve the success of his plans through the influence of the names of Moore and Caswell. In the answer of the House, however, not only were the appropriations refused, but by the unanimous vote of the House, of which both Moore and Caswell were members, the right of the Governor to issue commissions of Oyer and Terminer and general gaol delivery, without the aid of



the Assembly, was peremptorily denied. In the same paper His Excellency was informed that the mode of issuing attachments which he had recommended, was such as they could not adopt, and would not, if adopted, prove an adequate remedy for the mischiefs intended to be obviated. Such were the respective positions of the popular House and the Governor on the 9th of December. We perceive at once the absolute impossibility of establishing courts of law, and the almost inevitable destruction of the then existing government. Even without the coöperation or sympathy of the other Colonies on other points of more general (but not of deeper) interest, that government must have fallen. If it had not been annihilated by force, it would have withered away for the want of the nourishment of courts of law.

On the 6th of December, the Speaker acquainted the House that he had received sundry letters and resolutions from the Provinces of Massachusetts Bay, Virginia, Rhode Island, Connecticut, and the counties on the Delaware, proposing to establish in each Province a committee of correspondence. The prudence and experience of Mr. Harvey, induced him to keep the reception of these documents concealed from the members of the House generally, as well as from the people at large. In the Spring of 1765, while the popular House was agitating the Stamp Act, and on the eve of electing delegates to the New York Congress, Governor Tryon prorogued the Assembly, and thus prevented the action of the Representatives of the people. For nearly two years he refrained from the convocation of an Assembly, and, although no one apprehended so high-handed a step from Governor Martin, yet he might by a prorogation or dissolution have in this case

arrested immediate action. On the 8th, however, the committee appointed to consider the documents laid before the House submitted a report, giving a full and hearty response to the patriotic resolutions before them, pledging their united efforts and most strenuous endeavours to preserve the just rights and liberties of the American Colonies which appeared of late to have been so systematically invaded."

John Harvey,  
Robert Howe,  
Cornelius Harnett,  
William Hooper,  
Richard Caswell,

Edward Vail,  
John Ashe,  
Joseph Hewes,  
Samuel Johnston,

were appointed a committee of correspondence; and to those who are at all acquainted with the history of the State, I need not say that the cause of American liberty was entrusted to able and patriotic hands. This committee was instructed "to obtain the earliest and most authentic intelligence of all such acts and resolutions of the British Parliament, or the proceedings of the administration, as might relate to or affect the British Colonies in America, and to keep up and maintain a correspondence and communication with our sister Colonies respecting these important considerations, and the result of such of their proceedings from time to time to lay before this House." They were further instructed immediately to inform themselves, particularly, of the principles and authority on which was constituted a court of enquiry said to have been lately held in Rhode Island, with powers to transmit persons accused of offences committed in America to places beyond the seas to be tried. This latter circumstance, which they were so especially instructed to investigate, deserves

to be more particularly mentioned. In the month of June, 1772, the sloop of war Gaspee, which had for some time cruised in and about the waters of Rhode Island, was attacked and destroyed by the people of that Province, headed by John Brown. Commissioners had been appointed by the Crown, vested with powers to transmit such persons as might be accused of an agency in this battle, to be tried before the authorities of the mother country. It was the principles of this commission, which the committee were so especially charged to investigate, and which had produced much alarm, not only in North Carolina, but in all the sister Colonies.

These instructions, however, were somewhat of a party movement in the political affairs of the Province. Martin Howard, the Chief Justice and one of the Councillors, was appointed to his office in North Carolina, because he could not hold one which he had filled in Rhode Island. On the 27th of August, 1765, during the excitement which prevailed throughout the country on the Stamp Act, the house of this notable man was destroyed, and his person much abused by the patriotic inhabitants of Newport, in which place he had been, as in North Carolina, long remarkable for his corrupt and wicked designs. He fled from the storms of Rhode Island, and sought "peace and quiet" in the arms of the Ministry, and, on the suicide of the lamented Chief Justice Berry, was appointed to fill his place on the Judicial Bench of the Province. His profligacy was, however, brought to a wrong mart; during the five years he received a salary as Chief Justice from the hands of the Assembly, his character and sometimes "*his person*" (as during the Regulation) was the subject of unrivalled abuse. So profound was the hatred of the members

of the popular House towards this eminent vagrant; that in framing the instructions, they thus censured a board of commissioners, which Howard was known to have approved, and indeed to have recommended in some instances in North Carolina.

Amidst the general contention for the honor of having struck the first blow against British tyranny, the modest pretensions of the State of Rhode Island have been overlooked, and the destruction of the armed sloop forgotten, amidst the clang of the arms of Lexington, and the more clamorous war of words, which raged in Virginia. The deed itself should not be forgotten, nor should the name of John Brown, the leader of the people on that occasion, be passed over in silence, by the historians of the Revolution. The great events of the history of Rhode Island, like those of the history of North Carolina, have been buried by the ignorance of "*the historians of the adjacent States.*"

Notwithstanding the dispute between the House and the Governor, which I have detailed, the Council and that body, at a later period of the session, exchanged messages of great length and no little ability. In the course of the argument, the Council arraigned the House for supporting, with so much zeal, a mode of proceeding by attachment, unknown both to the common and statute law of the mother country, forgetting that, at a previous session, they had suggested a mode of proceeding by attachment according to the laws and usages of England. The House replied to this argument in a message of great length, dated the 20th of December, in the following language.

"We observe with surprise, that a doctrine maintained by a former House of Assembly is now adopted by you, and that you disclose it as your opinion, that attachments are not known to the common or statute law of England. What then did government

ender to this people in lieu of their former mode, when it proffered to the last Assembly, a mode of attachment agreeable to the laws of England. This House, upon all occasions, will avow the necessity of attachments in the manner as lately enjoyed, in joint of expedience as well as of right."

The opposition to the government exhibited itself in the popular House by a unanimous vote, that the acts of 1748 and 1754, laying a poll tax and a duty on liquors, ought to be discontinued, and a committee with Robert Howe at the head was appointed to bring in a bill to that effect. On occasions like this, the assent of the Governor being indispensable to the repeal of the law, his will became important, and respectable even in the eyes of John Harvey. But on other occasions, and such a one I am now about to detail, the sanction of the House was indispensable to sustain the acts of His Excellency. While on his tour of observation in 1772, the elegant civilities of the good people of Tarborough, so pleasing to the vanity of his mind, induced him to grant a charter to that town, vesting its inhabitants with the privilege of sending a member to the Assembly. The House refused to admit Henry Erwin (the member who appeared according to the election held under a writ from the clerk of the Crown), and asserted that the charter was void in that particular, as being against a statute of the Province. These numerous causes combining to harass the peace and prosperity of the Governor's administration, he, on the 21st, suddenly prorogued the Assembly to the 1st of March. As soon as the House received his message requiring their presence at the palace, apprehending either a dissolution or a prorogation, they appointed a committee, of which John Harvey was the head, to prepare an address to the King, beseeching him to withdraw his Royal instructions to the Governor, so far as attachments were

concerned, and it was unanimously resolved to address Governor Tryon, and implore,

“ That he would be pleased to convey the same [the address to the King] to our most gracious Sovereign, support our earnest solicitations with his interest and influence, and that he would accept of this important trust as a testimony of the great affection this colony bore him, and the entire confidence they reposed in him.”

Thus low had Governor Martin sunk in the estimation of the public. His predecessor and wonted rival, although the Governor of a distant Province, was solicited to aid and support the fallen fortunes of the people over whom he had presided for nearly two years. . If he envied Tryon, as say many of his contemporaries, the proceedings of the House were mortifying indeed, and the palace had lost its splendor and its glory, when its inmate had become the mere shadow or puppet of a government.

The resolutions of Virginia suggesting the appointment of committees of correspondence, were adopted on the 12th of March, 1773, and the project was essentially an improvement on the internal committees of Massachusetts. In the 95th page of the first volume of the Writings of Mr. Jefferson, the respective claims of Virginia and Massachusetts to the honor of proposing these national committees, are discussed in a letter to Mr. Samuel Adams Wells, and the dispute is compromised by the admission of Mr. Jefferson, that Massachusetts preceded Virginia in the institution of her internal committees, which were appointed by the people of each town of the Province, but that Virginia was foremost in the suggestion of the institution of provincial committees. This claim may be just, but the pen of Mr Jefferson has exaggerated its importance.

I have no claims to advance on the part of North Carolina to the honor in dispute, and have perhaps no business

in discussing the differences of other states in this volume ; but I cannot refrain from a few remarks on the claims of Virginia to originality in her scheme of a continental correspondence. The Congress of Albany which assembled in June, 1754, was undoubtedly the original idea of a continental union, and may be fairly considered the remote cause of our present union. If the private character of many of its members may be considered as a test of its political creed, it is fortunate, that its deliberations were attended with no permanent results. Dr. Franklin adorned that body. but Martin Howard and Thomas Hutchinson, the most inveterate enemies of American freedom, were its principal leaders. The Congress which assembled in New York in 1765, to discuss the Stamp Act, was essentially the child of Massachusetts, and its conception a much bolder and more perilous stroke in the cause of the Revolution, than the appointment of a committee of correspondence. It sprang from the heart of the Whig party, and, adorned as it was by the patriotism and talent of the Provinces represented, it was unfortunate that its deliberations were not continued by annual sessions. In the year 1763, during the month of November, while the Assembly of North Carolina was in session, the Speaker laid before the House a communication from the House of Representatives of Massachusetts, of date the 11th of February preceding, on the subject of several acts of Parliament, imposing duties and taxes on the Colonies. This communication is remarkable for the temperate and modest manner, in which the encroachments of Parliament are recited and discussed, and forms a singular contrast with a similar state-paper, which was received by the same officer on the 2nd of November, 1769, from the House of Burgesses of Virginia, of date the 9th of the preceding month of May.

The Speaker of the Assembly of North Carolina was undoubtedly indebted to the House of Representatives of Massachusetts, for the communication from Virginia, although the document itself would not support such an inference. In this case at least, Virginia was the imitator of Massachusetts, and yet her message to North Carolina, which was received one year after that of Massachusetts, made no allusion to it as its authority. The paper from Massachusetts modestly disclaims any "ambition of taking the lead, or of dictating to the other assemblies;" the one from Virginia "hoped that they had expressed themselves on the occasion with a firmness that became freemen; and that they had made known their proceedings on this subject with a view that the representatives of the people of North Carolina, being acquainted with them, might go hand in hand in opposition to measures, which had an immediate tendency to enslave them." We had received that intelligence twelve months before. The transition from such legislation to the institution of Provincial committees of correspondence, seems to be but a natural result; and, when it is remembered that every Assembly appointed committees to correspond with their agents in London, the proposition loses all claims to originality or even to novelty. The Speaker of the Assembly of North Carolina transmitted to many Provincial Assemblies messages on these subjects, assuring them of the hearty coöperation of the people of the Province.

(1774.) In detailing the events of the year 1774, I shall resume the discussion of the Attachment controversy, which now agitated for the last time the Provincial Assembly of North Carolina. The legislative body, which had been prorogued to the 1st of March, organized on the 2nd of



that month, and commenced the controversy in their answer to the official speech of the Governor. I must applaud the prudence and liberality which distinguished the speech of His Excellency. He lamented the disastrous state of the colony, and the utter impossibility of his reconciling the attachment clause with the Royal instructions. He hoped that the members had consulted their constituents, during the recess, and explained to them the repugnant nature of his instructions. Urging the abandonment of the "attachment process" upon such grounds, he concluded his speech with a solemn assurance of his readiness to coöperate with the Assembly, in any legal effort to relieve the people from impending anarchy and revolution. Messrs. Hooper, Samuel Johnston, Caswell, Howe of Brunswick, Harnett, Edwards of New Berne, Allen, Jones, Hewes, and Ashe, were the committee to prepare the answer of the House; and on the 5th of March, Mr. Harnett reported an address founded on instructions from a committee of the whole House. I now quote the language of the address.

"We came to the last session of this Assembly, fully possessed of the sentiments of our constituents; we have, however, appealed to them again, consulted them, stated to them candidly the point for which we contended; we have also informed them, how far his Majesty is disposed to indulge our wishes. These facts we have represented to them fairly, disdaining any equivocation or reserve that might leave them ignorant of the conduct we had pursued, or the real motives that influenced us. And we have the heartfelt satisfaction to inform your Excellency, that they have expressed their warmest approbation of our past proceedings, and have given us positive instructions to persist in our endeavours to obtain the process of *Foreign Attachment* upon the most liberal and ample footing."

In this decided language did the House reject the conciliatory speech of Governor Martin. In his speech at the

period of the prorogation of the Assembly, he had exhorted them to return to their constituents, and consult with them on the state of the Province; and thus the House reported the result of their consultations. On the presentment of the address by the Speaker, the Governor delivered a long speech in reply, in which he seemed to feel sensitively the triumphant tone of the House.

“ You have told me with, perhaps, just exultation,” (he commenced) “ that your constituents have approved your past conduct, and instructed you to persist in your endeavours to obtain the process of foreign attachment; but if that means, Gentlemen, that the present distressed state of this colony is to be continued, because I have it not in my power to comply exactly with your wishes relative to a certain mode of proceeding against absconding debtors, that, as far as I have been able to learn, has been in some very material points peculiar to this Province, and is at this day held by many to have been unguarded and too open and applicable to fraudulent and oppressive purposes, I can no more enter into the policy of such a plan of conduct, that is in my opinion without example, than I can help dreading the people will soon feel they make infinitely too dear a sacrifice in relinquishing all legal security of their most valuable rights and privileges.” (9th March.)

Bills to establish Superior and Inferior Courts of law were framed by the Committee appointed for that purpose, and readily passed their regular readings in that body. When the Superior Court bill, however, which contained a full acknowledgment of the attachment process, came to its third reading before the Council, that body proposed “ as a temporary relief to the Province,” that the process of attachment, and the repeal of the Fee bill of 1748, should be presented in bills distinct from those establishing courts of law. The House refused, by large majorities, on both the items of the amendment of the Council, to assume such a principle; and now the fact was notorious, that, without the process of attachment, no bill to establish courts of law

could pass. Each party now perceived the vanity of all hopes of a reconciliation on this disputed point; and, as the Council had heretofore acted on the Royal instructions with a view of shielding the Governor, we perceive that body, on the 14th of March, abandoning that ground, and leaving His Excellency to support as well as to obey the orders of his sovereign. On that day, the Council, in a mild and dignified message, recommended the Superior Court bill, as a fit subject for reconsideration, and expressed a sincere hope, that something might be done to save the existence of the law. In accepting this friendly recommendation, the House proposed an immaterial alteration in the attachment clause of the original bill, requiring

“Due proof upon oath, before the attachment should issue, that the debtor had absconded with an intention of avoiding the payment of the claims, so far as his intentions may be judged from the following circumstances, which shall be considered the due proofs hereby required.”

These circumstances were,

“That the defendant resided out of the Province or never was in it, and that he fails or neglects to discharge his debts, contracts, or agreements, or when he has removed himself out of his county privately, or absconds, or conceals himself from the ordinary process of law, as the plaintiff suspects, to avoid the payment of the debt.”

The process of attachment would seem to be sufficiently guarded by the rigor of this clause; and yet, so cautious and perhaps overbearing was the House in this dispute, that the following sections of the proposed bill were adopted by that body.

“And also in any other circumstances that may occur, and can be deemed, by the magistrate granting the attachment, the due proof hereby required. Provided, also, that no attachment shall be granted, except when the cause of action (by the most liberal construction in favor of the plaintiff, inhabitant of the Province) can be

construed to arise within the colony; and, before the defendant shall be suffered to plead, he or his attorney shall give bail to a new suit or action, if the plaintiff judges it necessary." (Tuesday, 15th March.)

The House, by these amendments yielded nothing save the explanations of the latter clause, which were too indefinite in their phraseology to admit a construction more favorable to foreign creditors. The Council had endeavoured to strike out a clause limiting the original jurisdiction of the Superior Court, which the House declared a valuable and indispensable limitation, and positively refused to concur in such an amendment.

With all its faults, however, the Council passed the bill, and, on the 17th of March, it was finally passed by both Houses of the Assembly. On the 19th of March, the popular House, before waiting on His Excellency to present the Superior Court bill, — "Resolved, that the House and the Council had pursued every measure in their power to relieve the Colony from the distressed situation to which it had been reduced for want of Court laws."

The Governor, however, rejected the bill, and, complaining of the unhappy predicament in which he was placed, urged the Royal instructions as his only justification. At the distance of more than half a century, and with an abundance of abhorrence for the character of Josiah Martin, I can commiserate the situation of the man, as well as lament the distresses of the people over whom he presided. For more than a year they had been without even the semblance of a judicial tribunal to check the growing progress of crime, or to sustain the obligation of private contracts. The violence of this Attachment controversy had not only prostrated the courts, but vexed the

public mind with the degrading idea that the Ministry sought to insult the Province, by taking from it a right enjoyed by her sister colonies. Disobedience to his instructions, would have been sufficient cause of displeasure to the King or Ministry, and would have effected the removal of Martin. In those days, when loyalty to the King was a virtue, his conduct would have found a ready excuse in the positive language of the Royal instructions, which would have been revered as the supreme law of the land. It is due to Martin to say, that the instructions were repugnant to his own opinion, and that his sense of duty to his sovereign was stronger than his love of the people.

The bill to establish Inferior Courts of Pleas, and Quarter Sessions, after many unavailing messages between the Council and the House, was, together with the one to establish courts of Oyer and Terminer, enacted by the assent of the Governor. On the first of these two measures, the attachment question was agitated, and, with its enactment, expired.

In giving his assent to these bills, the Governor delivered a long speech, in which he bewailed the impossibility of erecting a higher tribunal than the Inferior Court; and he embraced the opportunity, "as he spake to the country through the popular House," to explain the reasons of his uniform conduct on the Superior Court bill. I do not pretend to understand the secret motives of Governor Martin, but I may venture to suggest a few circumstances which may explain the mildness of his official speeches, during this and the preceding session. I have observed him, on two occasions, employing in his service two of the principal leaders of the opposition, and have suggested the motive of

thus conferring his rewards, to have been a desire to gain their influence and friendship. The amiable tone of his speeches may have been the result of fear or of policy. He may have vainly hoped to distract the ranks of the Whigs by conciliation, and, like Tryon, by a system of courtesies and private civilities within the recesses of the palace, to have won the affections of a majority of the members. The progress of this history will, however, exhibit the futility of his designs, and the lapse of a few months, the overthrow of his government.

The Assembly was, on the 25th of March, prorogued to the 25th of May, and in a few days afterwards was dissolved by proclamation. The dissolution may be ascribed to the angry feelings excited in the mind of the Governor by several acts of the popular House a few days before its prorogation. The House appointed a committee to address the Throne, praying that the instructions to the Governor might be withdrawn, and appointed Alexander Elmsly and Thomas Barker agents to attend to the execution of their resolves. The appointment of these two gentlemen as agents for the House, in so important a crisis, appears to have been a censure on the integrity of a Mr. Henry Eustace McCulloh, who had for some years filled the station of agent for the Province. He attributed the origin of the instructions to Lords Hillsboro' and Hertfort, both members of the Privy Council, and friends of the Dobbs family, the founder of which, Arthur Dobbs, had succeeded Governor Gabriel Johnston as Governor of North Carolina. An attachment was depending in our courts during the administration of Tryon against the Dobbs estate; and by the influence of the two noble friends of that family the instructions were framed to meet that

particular case. This is the explanation of Mr. McCulloh, as will be seen by a letter of Alexander Elmsly, which I shall presently introduce. There is not much dependence to be placed in the statements of Mr. McCulloh, as his integrity on this as well as on other occasions was questioned. He submitted to the degradation of a bribe while a member of the Council, and received a thousand acres of land for his vote in favor of the Tuscarora grant of lands to William Williams and Thomas Pugh and Robert Jones. The real motive of Governor Martin in dissolving the Assembly, however, is better displayed in the Proclamation which he issued for that purpose, of date the 30th of March. The resolution of the House, declaring the repeal of the acts of 1748 and 1754, is alleged in the Council Journal as the real cause; and, as this is the last time those acts were before the Assembly, I shall extract the Proclamation, as well to illustrate the excited feelings of the Governor, as to conclude the subject.

“ By His Excellency Jo. Martin, &c., &c.

#### “ A PROCLAMATION.

“ Whereas the Assembly of this Province having, by their resolves of the 24th of this instant March, assumed to themselves a power unconstitutional, repugnant to the laws, and derogatory to the honor and good faith of the Province, by attempting to abrogate an act of the General Assembly upon which the public credit essentially depends, it becomes necessary for His Majesty’s service to dissolve the said Assembly of this Province. I do therefore, with the advice and consent of His Majesty’s Council, and by virtue of the powers and authorities in me vested by His

Majesty, dissolve the said Assembly, and it is hereby dissolved accordingly.

“ Given under my hand, &c.

“ JO. MARTIN.

“ Dated 30th of March, 1774.

“ God save the King.”

In concluding this chapter, and with it the discussion of the court law and attachment controversy, I submit the following letter from Alexander Elmsly, which will be found to be an admirable commentary on the history of that most important and harassing dispute.

“ *London, 17th May, 1774.*

“ DEAR SIR,

“ I have your several favors covering your order on Bridgen & Waller, and ordering a suit of law for a friend of Mrs. Johnston's. With respect to the first, all the purpose it has answered is, a new order to Mrs. Strudwick to pay you that money. This manoeuvre you can easily see through; it is not so easily reconciled, however, to the principles which these gentlemen make profession of, and for want of which your neighbour C. Pollock has in my hearing been so often the subject of their abuse. The fact is, they acknowledge the receipt of the money, and are ready to account for it; but Strudwick is largely in their debt, and they think this a good opportunity to reduce the amount. If this expedient miscarries, you must write to them to pay peremptorily, and I doubt not the money will be forthcoming, as the Scots say. By this ship the lace is sent to Mrs. Aitcheson's care, who will contrive it to you instead of £7 7s.; however, Mr. Palmer, Mrs. Do., and my Rib, after consultation, are of opinion unanimously that Miss Cathcart has a right to wear a suit of lace worth at least one half a guinea a yard, and so the whole together, i. e. the lace and something else, the name of which I have forgot, costs you £10 1s.; £9 to Bridgen & Waller, lace merchants, for the materials, and £1 1s. to a milliner for putting them together.

“ I think your Assembly to blame and your Governor also, and am sure I'm not mistaken; these are my reasons; Governor Dobbs in his



last will gave a legacy of £2000 to his wife, and, *inter alios*, appointed his sons, Conway and Richard, executors. Conway I verily believe received moneys belonging to the testator, both here and in Ireland. Richard I sincerely believe never received a shilling here, there, or anywhere else; but having, as well as the other, effects in your Province, an attachment was issued against them at the suit of Mr. Nash, and, before defence could be made, the plaintiffs had judgment; the defendant soon after, however, procured an injunction, which your Court of Chancery thought proper to make perpetual. From this decree Mr. Nash appealed, and last Thursday the decree was reversed by the Privy Council, because of your attachment law, which they said they could not get over, although Sir Jonathan Selmot, late Chief Justice of the Common Pleas, thought it so hard a case upon young Dobbs, that he gave it as his opinion, no act of assembly ought to have the force of a law till revised and ratified in England.

“My next reason is within your own recollection. P. Larkin of London became bankrupt, having effects in North Carolina; Alderman Rossiter and a Mr. Pritchard of this place attached, as did a Captain Richardson of your Province, but who was of Jamaica at the time of bankruptcy, although an inhabitant of England when the debt was contracted; the attachments of the two Englishmen were defeated, the American had his money, and this expressly agreeable to the determinations of the judges here.

“My other reason affects myself. When Bogle & Scot stopt payment, their creditors were called together to fix upon a plan for liquidating their affairs. The single question was, whether the commission bankrupt should be sued out against them, or whether trustees should be named, to take the management of their affairs into their hands. Every creditor present, except myself, was for appointing trustees, because by that means the expense of a commission would be avoided in the first place, the disgrace of it in the next; and in a third place, which was of more importance, many of their creditors were possessed with bills and bonds with security, and were not creditors on open account, and, in case of a commission taking place, would have a right to receive of the security; and afterwards to ride against the bankrupt's estate, as if nothing had been received of the bonds and bills, till they should have received their whole debt; by which means their simple contract debts without security would be in fact covered by the security on the specialty debts. This reason had determined all the creditors present not to sue out a

commission of bankrupt; but six weeks having elapsed from the time of their stopping payment, and it appearing that the greatest part of their effects were abroad in America, and consequently subject to your attachment laws, which would take place of an assignment to trustees, and which we had no other way of avoiding but by taking out a commission, we were obliged to come to a calculation, whether the open account creditors would lose more by letting such as were creditors both by bonds with security, and open account also, have their full debts paid, or by running the risk of such creditors as were not present having, during the six weeks, ordered attachments in America; and upon finding that all the Scotch and many considerable English creditors had not attended the meeting, although advertised, and suspecting the reason of it, upon my proposal it was unanimously agreed to make bankrupts of Bogle & Scot, although by that means sundry creditors are certain of having their full dividend, who otherwise would not have received above 17 or 18s. in the pound; but as their debts were not near so considerable as those of the absent creditors, whom we supposed absent because they had taken steps to secure their debts otherwise, of two evils we chose the least.

“With respect to attachments in England, I am able perfectly to inform you of the nature of them, having, since my arrival in London, defended no less than seven of them, not as an attorney, but as the agent of a gentleman in Scotland, *pro hac vice*. 1st. It is only in the city (not one half) of London, in Bristol, and I believe York, or some other old town, that attachments lie by custom. I know not the custom of the two last places; but in London the practice is, that no attachment takes place except where the cause of action arises within the city; that if affidavit of the debt is not made by the plaintiff upon suing out the attachment, it may be set aside on entering common bail in the office; and in no case can the garnishee be compelled to answer, unless he voluntarily, to oblige the plaintiff as his friend, comes into court and discloses the amount of the effects in his hands; but if the plaintiff can prove that, at the time of laying the attachment, the garnishee was either indebted to the defendant or had effects of his in his possession, he is admitted to do it, and such proof is as good as the garnishee's confession.

“These are the principles of the attachments in London, you may depend on it, and it was upon them that the last instruction to your Governor was founded; of this I am certain, because old Mr. McCulloch in the absence of his son called upon me as soon as he

received his despatches respecting this matter, and requested my advice on the subject. I readily took a slip of paper and drew up a sketch of an instruction which he showed to Mr. Jackson, counsel to the Board of Trade, and which he afterwards told was perfectly approved of; and we never doubted that it would be sent out to the Governor, *in statu quo*, nor knew I any thing to the contrary, till I read your Journals, and found that Jackson, as I suppose, of his own head, had added that the plaintiff should swear that the defendant's absconding was in order to avoid payment of his debt. This he now confesses and justifies upon the rule of the Court of Chancery in England, which has adopted that form in certain proceedings against absentees; but he says, as I do, that it was sufficient for your Governor to have attended to the substance of his instruction, in which case he ought to have dispensed with these words, for which the Board would have been obliged to him.

As to the Assembly, I think them wrong in contending for an attachment law in the same extent as before. What we want here is principally that we and you should be on a footing, that if one of our merchants fails, his English and American creditors should receive the same dividend; whereas, as things stood under the late law, the American creditor, who could find effects in that country, had his whole debt, when the English creditor often got little or nothing. We also want that even an European creditor should not have power to attach in America, because by this means, unless the debtor is made bankrupt, it often happens that the creditors who are merchants, and have correspondents abroad, have greatly the advantage of other people; and it was to avoid this inconvenience that the expedient of obliging the plaintiff to swear that the cause of action arose in the province was thought of.

“ H. McCulloh tells me that there is a new instruction gone out or made out. From what he mentions, it differs only from the last in admitting an attachment where the cause of action may happen to arise in Virginia or South Carolina, and striking out the clause that obliged the plaintiff to swear that the defendant had absconded in order to avoid payment of his debt. If this is the case, I think it a foolish affair, and that it may be of some more service to Virginia, than before, and that is all the difference; for as to the other circumstance it is nothing, had your Governor rightly understood the matter, being mere form only, and which he surely ought to have dispensed with.

“ Before I finish the business, give me leave to mention to you, that it was my idea when I came to Carolina, that there was nothing in your laws to warrant an attachment against the estate of a person who had not some time or other been resident amongst you ; an original attachment certainly could not lie against him, because he neither conceals, absconds, nor absents himself, which the form of your attachment makes a *sine quâ non*. An attachment on mesne process, I think, ought not to affect such a debtor, because your sheriffs are on all returns to set forth the truth of the case, which is here that the defendant is no inhabitant, in which case no attachment can issue. What inclined me to think in this manner was the practice in Virginia, where the laws were the same with yours in respect to attachments, but where there is a particular act of Assembly respecting persons never resident in the colony, which, if I have not forgot, puts all creditors on a footing. This law you have not, nor any thing like it, the construction you put on the court acts supplying the place of it. I am told, your agent wrote out, that your Governor would receive an authority to consent to an enlargement to the jurisdiction of the county courts. I know not what foundation he had for writing so, because it was easy to see at the office what instruction had gone out ; and I am well assured, that, had it not been for your being in possession of a larger jurisdiction for some years past, the county courts would have been put on the same footing as in England. I believe the truth is, no inquiry was ever made by the young gentleman after his return to England, trusting to the exertions of his father in his absence, who had labored this point with Mr. Jackson, and not having in express terms a denial, took it, I believe, for granted, that he would recommend the matter to the Board, and advised his son accordingly. This inclined him to hazard the flattering letter wrote to the committee, and which I am told was one reason, amongst others, for suffering his act of Assembly to expire. Betwixt you and me, the old man is the best agent of the two. As this office is now vacant, and it is impossible that your Province in its infant, unsettled state can be without an agent in England, I would have you seriously think of your old friend here. The grand difficulty will lie with the Council ; but if ways and means could be fallen upon to interest the Governor, I have no doubt a majority of that board might be easily secured to vote as he might direct them. The grand objection that lay in our way formerly is now no more, (the opposition from the southern men ; ) as the seat of government is out of the question, it is become indifferent to them whether the

agents are from the south or the north. If you think this business practicable, perhaps it may contribute somewhat to the carrying it into execution should Mr. Barker write to the Chief Justice Cornell, and some other principal or popular characters, which shall be done on reconnoitring the ground you think well of it. American affairs have engrossed all the serious part of the attention of Parliament this session; the result of which is, that four acts of Parliament are passed respecting that part of the world, I had almost said of the British dominions. By the first the harbour of Boston is shut up till a compensation is made to their India Company for their tea, and till the inhabitants discover an inclination to submit to the revenue laws, after which the King, by and with the advice of the Privy Council, is empowered to suspend the effect of the act.

“This law we imagine will save the Bostonians the trouble of entering into new agreements against importing goods, as being out of their power while the act continues in force. But we are not certain that it will be followed by the same effect in the other principal ports, they being left open, though not less criminal, except in point of overt acts, than Boston. But I suppose the administration thought the whole too much to encounter at one time.

“The next act is for taking away the charter of the Massachusetts Bay; hereafter the Council are to be appointed by the King, as in the southern Provinces, and in certain cases the Governor is to act without their consent and concurrence. The town meetings, except for the purpose of elections, are declared unlawful, and some other new regulations established.

“The third act enables the governors in case of an indictment preferred against any officer of the Crown, either civil or military, for any thing by him done in the execution of his office, to suspend the proceedings against him in America, and to send him home for trial in England. This law, I am told, the officers of the army instituted on for fear of being prosecuted by the civil power, either as principals or accessories to the death of any person killed in the field of battle, in case things should come to that extremity.

“The fourth and last law respects quartering the soldiery. I have not seen it, but suppose it is calculated to obviate in future the construction put upon the old one, by the people of Boston, in their town meetings, viz. that Castle William, situated three miles out of town, should be taken to be barracks in the town, and of course excluded the pretensions of the army to quarters in the town, even though the purpose of sending soldiers should be merely on account

of the commotions and disturbances in the town. Lord Chatham has never appeared in his place in the House of Lords during this winter. Cambden and Rockingham, assisted by the Duke of Richmond and some others out of place, form the present opposition, and of course voted against these measures. The Duke of Richmond, in particular, I am told, spoke against them with great acrimony, wishing that the Americans might rebel openly; but they were always outvoted five to one in the lower House. Lord North is as absolute as ever Pitt was, and most people think as deservedly; even Barre voted against the Americans on the Boston Port Bill, and made a long speech on the occasion; as did Lord George Sackville on all of them; and yet these are two of our staunchest patriots, in other words, strongest opponents of the ministry. With respect to the sentiments of the public in general, they are not favorable to the Americans; most people think it unreasonable, that they should be taxed without their consent; but they think it also dangerous to allow the sovereign to have more parliaments than one, at least independent of that one, and think as I always did, and said, that the king of England, as king, can have no subjects that are not under the control of the Parliament of Great Britain; but then, on the other hand, nineteen in twenty of all the sensible people in the kingdom think, and think very seriously, that, as the inhabitants of the colonies are no longer an assemblage of needy vagrants, but are become a numerous body, respectable for their importance in the state, and bidding fair in a little time to equal in point of numbers those of the mother country, which decline in proportion as they increase, the ministry ought either to waive all pretensions to taxing them, or to admit a reasonable number of the Representatives for the Americans. Were the people on your side of the water to put matters on this issue, they would find many more friends in England; but, as things stand at present, when this is urged for you, the ready answer is, that you declare you will not be represented, *ad quod non potest responderi*.

“Saxby, the Receiver of South Carolina, has resigned, and Irwine, who gave him some trouble about your office, is appointed in his room. James Murray, would you think it? has accepted of Irwine's place in the customs of Boston; it is that of an inspector, worth very little to a young man, and still less to an old one, who has filled the most respectable place in a Province. I fancy the old man is in necessity, else he would not have encountered so much drudgery at his time of day. I saw Col. Lawrence lately; he talks of returning

son, but says he shall first pay me two or three hundred pounds for you.

“ Having now, my dear friend, pretty fully gratified your curiosity respecting every thing that may either concern yourself or the public, you will give me leave to add a few lines concerning myself.

“ When I left my power of attachment with you, I told you that Andrew Millar and I had agreed, that all money you or he might receive of mine should lie in his hands for three years, he paying me interest at the rate of five per cent. for two years and a half only. I had a letter from him lately, in which he appears perfectly to recollect this, but seems to have forgot that the money was to be remitted to the Virginia exchange, making an allowance of twenty-five per cent. to bring the product into Virginia money ; he charges thirty-three and a half. When you see him I shall be obliged to you to put him in mind of this matter. I do not want the money, but the sooner his mistake is pointed out to him, the more probable it is that he will recollect himself and correct it ; perhaps if it is hinted to him, that as he was to have the money six months for nothing, and was afterwards to pay but five per cent. instead of six, it is to be supposed some equivalent or other must have been stipulated in return, he may call to mind our agreement ; but I would not have any bickering about the business.

“ The other thing respecting myself is only a repetition of part of one of my late letters. Mr. McCulloh has often been talking to me of buying the 1000 acres of land he got for his vote in Council from Pugh & Williams. I have never listened to him ; but if I thought it good land, and that 2000 or 3000 acres more could be had contiguous to it at an easy rate, I believe I should be tempted to treat with him. Will you then inform yourself what sort of land this is, and at what price the above addition may be made to it, and advise me accordingly. I have now three boys to provide for ; one of them shall take one of your girls off your hands, if she cannot dispose of herself better. I am with compliments, for self and company, to all your family,

“ Dear sir, your affectionate,

“ ALEXANDER ELMSLY.

“ The King of France died last week of the small-pox, aged 64.”

## CHAPTER III.

### THE ADMINISTRATION OF GOVERNOR MARTIN.

(CONTINUED.)

THE situation of the Province, after the dissolution of the Assembly, was but little superior to an acknowledged state of anarchy. It was a vain attempt to supply the place of the Superior Court by the establishment of courts of Oyer and Terminer. Without those tribunals the services of Chief Justice Howard were unemployed, and this desirable result was achieved by the dexterity of Maurice Moore.\* While the courts of Oyer and Terminer and General Gaol Delivery were holding in Wilmington, he excepted to the commissions of the judges upon reasons which he sustained. He first alleged, that the province law which created the court, gave to the chief justice the power of oyer and terminer and general goal delivery, but that the clause which empowered the associates to act in his absence gave them only the powers of judges of oyer and terminer, and therefore that the commissions exceeded the Governor's powers. His second exception was, that the commission was to try for the "*district of Wilmington,*" when no such district had been made by the law. Mr. Moore succeeded in suppressing the court, by the voice of the associates who took an *advisari* and adjourned

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\* A letter from William Hooper to Judge Iredell, August 5, 1774.



was during the month of June, 1774, after which I find no notices of the courts of Oyer and terminer, or of the judicial dignity of Howard. Such a fate, untimely, and yet merited, of the only hope of royal judges of North Carolina. I say the merited because the chief justice was notoriously destitute, not only of the common virtues of humanity, but of all others worthy with the community in which he lived. He openly confessed himself inimical to the people, and his actions show a degree of malignity,\* unworthy of a man or of a private citizen.

These distracting questions, which I have discussed so far in detail, operated to draw into the Whig party, with great unanimity, the profession of the law; a class of men, who are, as a general rule, usually in favor of the powers that be." The court-law controversy was the prominent cause of dissatisfaction to the people at the time, and transcended in its immediate appeal to their natural comforts and rights, the abstract question of British allegiance. To the people of Boston the latter subject was the more interesting, as they suffered from the aggressions of the mother country; but to the people of North Carolina, whose fellow-citizens were never butchered, and whose ports were never closed by a military force, these important usurpations were thrown into the shade by the greater danger of domestic trouble. The opposition to the ministry in North Carolina was embittered, not by natural sufferings, but by a deep sympathy with the people of Massachusetts, who were complimented in all their public meetings throughout the Province, and who were

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\* Letter of his to Judge Iredell, of date May 20, 1773, is before me.

assured of their readiness to aid them, in any general scheme of protection or resistance.

I have said, that one happy effect of the destruction of the courts, was the adoption of the Whig cause by the professors of the law. I must illustrate this by an appeal to circumstances and individuals. Isaac Edwards, a lawyer of New Berne, and who had formerly been private secretary to Governor Tryon, in a letter to Judge Williams of Granville, dated on the 20th of July, 1773, uses the following Whig language.

“ What are you all doing in these times ? I suppose you, who have money enough, are amusing yourself by the improvements of your plantations, to which you have now leisure to attend ; but what do other people, whose barns are less plenteously stored and coffers not so sufficiently replenished, do ? If I may judge of them by myself, the prospect before them is not the most flattering, nor is the plentiful harvest, which must at some time come, I fear so near at hand as we wish it. The mother country has not of late discovered any great desire to promote the wish of her children, much less to mitigate or relax the mandates of her sovereign and supreme power ; and, if I judge aright, her children in this our dear country have too sacred a regard to what they esteem their undoubted birthright, tamely to surrender it to the command of any tribunal under heaven. What is to become of us requires deeper penetration than mine to discover ; but I am apprehensive it will be some time before matters are accommodated to our wishes ; terms of peace on the one hand being expected, if not exacted, or perhaps I may reverse it, and say exacted if not expected, which on constitutional principles cannot, I apprehend, be relinquished. As yet nothing is known certainly about it. We have nothing scarcely stirring among us, every thing is still, and I am happy to find that in our neighbourhood the distresses of the times are as little felt as can possibly be expected, in any place under a suspension of judicial proceedings.”

(April, 1774.) My narrative is approaching that interesting period of our history, when the people moved in a

body towards the organization of the Continental Congress. In most of the Provinces the people were driven to this step by the continued and insolent aggressions of the British ministry and parliament; but in North Carolina a combination of causes, independent of that general principle,<sup>9</sup> operated to produce dissatisfaction towards the authority of the mother country. The elements of that combination I have exhibited, in the violence of the court-law controversy, the party bickerings on the repeal of the acts of 1748 and 1754, and other legislative disputes. In as short a space as possible, I now propose to examine the origin and the progress of the first Provincial Congress of North Carolina. The people had been, for ten years, protesting and complaining against the unconstitutional legislation of the mother country, and their protests and complaints had been couched in the submissive and obedient language of faithful subjects. The age for such things had passed away; and now the fire that had been so long smothered, by the recollection of a common origin and kindred ties and sympathies, burst forth, and spread in one unextinguishable flame, over the whole country, from Maine to Georgia. The war of words was over, and that of life and death had come.

There were five characters of that day, whose extraordinary services in the cause of the first Provincial Congress deserve to be particularly noticed. John Harvey, William Hooper, Willie Jones, Samuel Johnston, and James Iredell, were the principal pioneers in that great and perilous undertaking. If I may judge from their letters, they were, as early as the 1st of April, 1774, contemplating the organization of a Provincial Congress or Assembly, directly from the people, and independent of

the authority of the Governor. The proposition to organize a Continental by the immediate agency of a Provincial Congress, was first made to our committee of correspondence by the committee of Massachusetts, about the 1st of June; and, nearly two months anterior to that date, I find the following letter from Samuel Johnston to William Hooper.

“ MY DEAR SIR,

“ Colonel Harvey and myself lodged last night with Colonel Buncombe, and as we sat up very late the conversation turned on continental and provincial affairs. Colonel Harvey said during the night, that Mr. Biggleston told him, the governor did not intend to convene another Assembly until he saw some chance of a better one than the last; and that he told the secretary, that then the people would convene one themselves. He was in a very violent mood, and declared he was for assembling a convention independent of the governor, and urged upon us to cooperate with him. He says, he will lead the way, and will issue handbills under his own name, and that the committee of correspondence ought to go to work at once. As for my own part, I do not know what better can be done. Without courts to sustain the property and to exercise the talents of the country, and the people alarmed and dissatisfied, we must do something to save ourselves. Colonel Harvey said, he had mentioned the matter only to Willie Jones of Halifax, whom we had met the day before, and that he thought well of it, and promised to exert himself in its favor. I beg your friendly counsel and advice on the subject, and hope you will speak of it to Mr. Harnett and Colonel Ashe, or any other such men. Colonel Harvey left us this morning, and I shall follow him in the course of a few days as far as Edenton, where if there is any thing important stirring, you shall hear from me again. My best respects to your family, and believe me

“ Your obedient servant,

“ SAMUEL JOHNSTON.

“ *April 5, 1774.*”

I have never been able to find any letter from Mr. Hooper to Mr. Johnston, purporting to be an answer to

one above, although I shall in the third part of this volume introduce one of far superior merit, which he wrote James Iredell on the 26th of April, 1774. In this letter he openly avows the propriety, as well as the probability, of our independence. I look upon this letter as not inferior to any event in the history of the country; and, in the boldness and originality of its views, I say that it is a document without a rival at the period of its date. It takes precedence of the Mecklenburg Declaration, as that does of the national declaration of independence. It distinctly says, "With you I anticipate the important share which the colonies must soon have in regulating the political balance. They are striding fast to independence, and will ere long build an empire on the ruins of Britain, will adopt its constitution purged of its impurities, and, from an experience of its defects, will guard against those evils which have wasted its vigor and brought it to an untimely end."

It will be seen, too, from the above extract, that James Iredell was not an indifferent spectator of the great struggle, then pending before the people, and that he had even anticipated Mr. Hooper in the patriotic reflections of this letter. Though but a mere youth at this period of our history, I find him one of the most ardent supporters of the Whig cause, and engaged in an extensive correspondence on the injuries of his country. He used his pen with great industry, and with still greater ability. I have many of his papers now before me, and observe, throughout all of them, the same zeal and devotion to the great American cause. In his correspondence with Mr. Hooper during the year 1774, the wrongs of the colonies are discussed at large, and in the letters of neither do I dis-

cover even the hope of a reconciliation expressed. The sufferings of the people of Boston are always alluded to by Mr. Hooper ; and, in one of his letters\* to his friend Iredell, he says, " The people of Cape Fear have sent a vessel loaded with provisions for the support of Boston. The subscription in a few days amounted to £800, and in all other respects they discover a very proper resentment for the injuries done to that people."

These observations and letters will illustrate the state of the public mind, during the spring and summer of the year 1774. The people were well prepared for immediate action, and when the project of a Provincial and Continental Congress was published abroad, they embraced it with enthusiasm and zeal. About the 1st of July, handbills inviting the people to elect delegates to a convention to be held in New Berne, on the 25th of August, were generally circulated throughout the Province, and the objects of the said convention were stated to be, to express the sentiments of the people " on acts lately passed by the Parliament of Great Britain, and to appoint delegates to represent the Province in a Continental Congress." The handbills advised the people to invest the deputies, whom they might send to New Berne, " with powers obligatory on the future conduct of the inhabitants."

By the 1st of August a large majority of the counties had held elections, and vested the high powers recommended, in their long-tried and faithful leaders. Governor Martin pretended to doubt the success of the plan, until he perceived its overwhelming popularity ; and it was not until the 12th of August that he condescended to take

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\* August 5, 1774.

official cognizance of such proceedings. On that day his Excellency addressed the honorable members of the Council as follows :

“ Gentlemen of His Majesty’s Council,

“ I have heard with the greatest concern, and have read in public newspapers and handbills, of invitations to the people in the several counties and towns of this Province, to meet together to express their sentiments on acts lately passed by the Parliament of Great Britain; and to appoint deputies to attend on their behalf, with powers obligatory on the future conduct of the inhabitants of this Province, at a meeting that I understand is to be held here on the 25th instant. I also find, that meetings of the freeholders and inhabitants have accordingly been already held in some places, at which resolves have been entered into, derogatory to the dignity of his Majesty and his Parliament, and tending to excite clamor and discontent among the King’s subjects in this Province.”

Under these circumstances, he considered it his indispensable duty to advise with them as to the measures most proper to be taken to discourage these assemblies, so inconsistent with the peace and good order of the government. To this appeal, the Council replied, that they would maturely weigh the matters of his speech, until the next day, when they would deliver their advice. On the next day, in accordance with the advice of the Council, the Governor issued a proclamation, in which he condemned the assemblies and elections of the people, as highly illegal, and warned all officers of the King, both civil and military, to do all to the utmost of their power to prevent such illegal meetings, and more particularly the meeting of certain Deputies on the 25th instant. This step however was of no avail. The Council Journal of this year (from which I am now drawing my matter) states, that on the 25th of August, the Governor signified to the Council, that that

was the day appointed for the meeting of certain Deputies from the several counties and towns of the Province, and that many of them had actually arrived. He then desired to know if they could advise any further measures than those he had taken, and "they were unanimously of opinion, that no other steps could properly be taken at this conjuncture."

Neither the Proclamation, nor the less official menaces of Governor Martin, could prevent the assembling of the deputies. On the 25th of August, 1774, they punctually met in New Berne, and elected Colonel John Harvey Moderator, and Andrew Knox Clerk of their body. The Congress being thus in session, the curiosity of the reader is aroused to learn the names and characters of those, who thus led the way, in the first effort to organize a deliberative Assembly independent of the authority of the existing government. They were the pioneers in our glorious Revolution, and the organization of this Congress was their first overt act. I shall introduce them to the reader by a record of their names, and a few observations on the characters of some of the most distinguished.

PROVINCIAL CONGRESS OF AUGUST, 1774.

Counties.		Counties.	
<i>Anson,</i>	{ Samuel Spencer	<i>Craven,</i>	{ James Cook,
	{ William Thomas		{ Lemuel Hatch,
<i>Beaufort,</i>	{ Roger Ormond		{ Joseph Leech
	{ Thomas Respiss		{ Richard Cogdell
<i>Bladen,</i>	{ William Salter	<i>Carteret,</i>	{ W'm Thompson
	{ Walter Sibron		{ Solomon Perkins
<i>Bute,</i>	{ William Person	<i>Currituck,</i>	{ Nathan Joyce
	{ Green Hill		{ Samuel Jarvis
<i>Brunswick,</i>	Robert Howe		{ Samuel Johnston
		<i>Chowan,</i>	{ Thomas Oldham
<i>Bertie,</i>	John Campbell		{ Thomas Benbury
			{ Thomas Jones
			{ Thomas Hunter



	Counties.	
ies.		
erland, { F. Campbell	Perquimons, { John Harvey	
ram County, not represented. { T. Rutherford		{ Benjamin Harvey
s,	Pasquotank, {	{ Thomas Harvey
		{ Andrew Knox
		{ J. Whidbee, Jun.
in,	Pitt, {	{ Joseph Jones
		{ Edward Everigin
		{ Joseph Reading
		{ John Simpson
combe,	Rowan, {	{ Edward Salter
		{ William Kenon
ville,	Surry, {	{ Moses Winslow
ford,	Tryon, {	{ Samuel Young
ford,	Tyrrell, {	{ none
	Wake, {	{ David Jenkins
ax,	New Berne, {	{ Robert Alexander
ton,	Edenton, {	{ Joseph Spurill
	Wilmington, {	{ Jeremiah Fraser
lenburg,	Bath, {	{ none
in,	Halifax Town, {	{ Abner Nash
lanover,	Hillsborough, {	{ Isaac Edwards
	Salisbury, {	{ Joseph Hewes
ampton,	Brunswick Town, {	{ Francis Clayton
ge,	Campbelton, {	{ William Brown
no,		{ John Geddy
		{ none.
		{ none.
		{ none.
		{ none.*

The Moderator, John Harvey, whose name occurs so and so honorably in the history of North Carolina, a native of the Albermarle Shore, and a citizen of the city of Perquimons. Endowed by nature with a vigorous mind, and having embraced the most liberal opportunities for its cultivation, he added the ornaments of education to those more indispensable and hereditary qualifications of a polished gentleman, which eminently distinguished his character. After having for many years acted as a member of the Assembly from Perquimons, he was, in 1766, elected Speaker of the popular House,

Many notices of the Provincial Congress are from the MSS. in the State Department of North Carolina.

a station which he filled, with but one interruption, to the close of the Royal government. The great influence exercised by Samuel Swann, who had filled the Speaker's chair for nearly twenty years, had given that station a dignity scarcely inferior to that of the executive, and much superior to that of a councillor. The Speaker of the popular House, after the days of Mr. Swann, was looked upon as the leader of the Whig party, and the hereditary defender of the rights of the people. John Ashe, the hero of the Wilmington sedition, succeeded Swann in 1762, and John Harvey succeeded him in 1766. Throughout the turbulent period of the years 1767, 1768, and 1769, he presided over the deliberations of the House, and received the unanimous thanks of that body at the close of each session. The powerful influence of Tryon had paralyzed the Whig party, and made his hereditary office a sinecure; and in the Assembly of 1770, Harvey was succeeded by Richard Caswell, a gentleman more acceptable to Tryon, as a personal and political friend. In the Assembly of 1773, however, he was again elected Speaker at the instance of Caswell, and here he found the office one of dignity and importance. The House, from this period to the flight of Governor Martin (and the consequent dissolution of the Royal government), was, strictly speaking, arrayed as a party against the government; and, during the whole of this time, Mr. Harvey was the acknowledged leader of the opposition. He conducted the Whigs through the great controversy on the court law, and the attachment clause, and the various other disputes with the Executive and Council. I have stated that he was chosen Moderator of the first Independent Provincial Congress, a station which he filled with great honor to himself, and advantage to the cause of his country, until his death. He was re-

markable for great decision of character and firmness in his political principles, and demeaned himself towards his opponents, and more particularly the Governor, with a haughty reserve, which showed the bitterness of his opposition. Harvey's Neck, a point of land on Albemarle Sound, at the mouth of the Perquimons River, was the seat of this remarkable and illustrious family, which, for many years before the Revolution, was celebrated for its dignity, antiquity, and wealth. The changes of half a century have left nothing but a few venerable and respected tombs, to attest the magnificent hospitality and grandeur of the House of Harvey.

Of William Hooper, one of the Deputies from New Hanover, I propose not now to speak. I shall dedicate to his character the concluding chapter of my work, and shall then, too, notice the characters of his colleagues, John Penn of Granville and Joseph Hewes of Edenton, who were members of the Provincial as well as the Continental Congress.

Richard Caswell of Dobbs was one of the leading men of the Congress, both as an efficient business-man, and as a strenuous supporter of the principles which they convened to uphold. The character of none of the patriots of 1776 is so well known, as that of Caswell. The various services of his active life cannot be even recounted in a work like this. I must content myself with a notice of a few of the prominent events of his career, and leave the pleasure of a more copious detail to the industry and zeal of some future biographer.

I find him in 1765 an active opponent of the Stamp Act, and eagerly disposed to take the field in opposition to the measures of the government. In a few succeeding years, however, he attached himself to the party of

Tryon, and opposed, with all his power the movements of the Regulators. This singular position, of opposition to the government in 1765 and of warm attachment to it in 1768 and 1769, is not more unaccountable or contradictory, than the movements of the leading politicians of the day.

After the excitement of the Stamp Act had subsided, the failure of Tryon to supersede the popular leaders in the affections of the people, taught him a lesson of prudence. Finding it impossible to win the people, he determined to win their leaders; and, for this purpose, he condescended to employ the lucrative offices of his government, as well as the elegant hospitality of his palace. In the midst of such civilities as the latter, adorned by the presence of his lovely and accomplished lady, he fascinated the mind of the ambitious Caswell, and won him over to his confidence and support. In 1770, he is observed in the Speaker's chair of the House, a distinction which he acquired much to the satisfaction of Tryon, who considered it as an evidence of the strength of his party.

In the battle of Allemance, he was one of the most efficient generals of the Governor's army, and commanded the right wing of the second line in that famous engagement. When, however, Tryon had ceased to govern the Colony, and his place was filled by another, Caswell returned to the support of the rights of the people, and in a few years became one of the leading Whigs of the Province. He was, during the session of this, the first Provincial Congress, appointed, in conjunction with Messrs. Hooper, and Hewes, to represent North Carolina in the Continental Congress, a situation which he held until the 8th of September, 1775, when he was chosen one of the Treasurers of the Province. Still continuing a member

of the Provincial Congress, he was elected its President, at a period when the present constitution of the State was adopted; and, by an ordinance of the same Convention, he was elected the first Governor of the state of North Carolina. He carried the State through the stormy period of his administration with signal success, and, after the expiration of that official service, he was actively engaged in the conduct of the war. The voice of an enemy is good authority in his favor, and the pages of Tarleton's Campaigns, written by that energetic enemy of American freedom, will attest both his industry and his courage. In 1785 he was again elected Governor of the State, an office for which, by the superior energy of his character, he seemed admirably fitted. Having filled that station during the regular constitutional period of his election, he was shortly afterwards returned to the State Senate, and was struck dead with an apoplexy, while officiating as its speaker. To no single individual is North Carolina more indebted than to Governor Richard Caswell. He contributed to her service not only his prayers and other exercises of his mind, but personal influence and bodily labor. He not only commanded armies and planned battles, but fought with his own hand; and it is for this constant devotion and sacrifice, that his character is cherished as sacred by the people of North Carolina. A history of his life would be a history of the revolution and of the constitution, and presents one of the fairest subjects for an historical memoir in the annals of the State.

Samuel Johnston, one of the deputies from Chowan, was eminently distinguished for the amiable virtues of private life, as well as his zeal in the cause of American freedom. He had been for many years one of the leading

Whigs of the Province, and of the popular House of the Assembly, and now headed the delegation from the patriotic county of Chowan. After the death of John Harvey, he succeeded him in the trying and hazardous duties of Moderator of the Provincial Congress, and manfully fulfilled all the obligations which descended to him from his predecessor. He was a gentleman of rank and education, and his private papers exhibit an extensive and learned correspondence, on the various rights of the Colonies, and the equally various aggressions of the Ministry. In his correspondence with Alexander Elmsly, in 1773, 1774, and 1775, he appears to great advantage, not only as a statesman and lawyer, but as an American patriot, and one who had carefully weighed the chances of the then approaching contest. Like nearly all the men of education and rank at that day, he found much to dislike in the present Constitution of the State; and in the spring of 1776, while that instrument was the subject of consultation, he urged his objections boldly, and, in one or two instances, with success. In the old draft of the Constitution which was before the Committee of the Congress of April, 1776, there was a clause "empowering the inhabitants to elect the Justices of the County Court." The influence of Samuel Johnston, was arrayed against this project, and it was struck out of the original draft. It is well known that a draft of the Constitution was not presented to the consideration of the Congress of the spring of 1776, on account of a division in the Committee, and that this instrument does not appear the subject of a debate or discussion until the Convention of 1776, by which body it was adopted. But even before its adoption, or before it was reported to the House from the

select Committee, the clause on the popular election \* of the Judges of the County Court was reinstated. Samuel Johnston, although not a member of the Convention, was in Halifax ; and, by the exercise of his influence, he again succeeded in subduing what he considered the evil spirit of democracy. His views on the subject of the Constitution were, that the departure from the principles of the British government was too great, and that the unbridled will of the people was as dangerous a machine of tyranny, as an irresponsible Monarch. Nor was he alone in this opinion. Nearly all the intelligence to be found in the Convention of 1776 was of this persuasion ; and such was the violence of the contest on this great principle, that there was, even at that early day, a violent and *dominant* democratic party, arrayed against the advocates of a splendid government.

This dominant democratic party, however, did not insult the rights or the dignity of courts of justice. Their intemperate zeal was checked by the prudence and controlling services of Caswell, who was essentially their leader, and to whose forbearance we owe much of the respectability of our present constitution. I am not aware that Samuel Johnston ever surrendered the political principles of his early life. The weakness of the State Governments was the principal inducement for the present Constitution of the United States, and, when that instrument was presented for the approbation of the States, the aristocratic party revived all its strength in its support. In this cause, viz. the support of the Constitution of the United States, Mr. Johnston took a most active and influ-

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\* Letter of Johnston to Iredell.

ential part, and contributed, more than any other citizen of the State, to procure its adoption. He was President of both the Conventions, which assembled to discuss its merits, and even while he filled this responsible station, he was the Governor of the State. In the close of the year 1789, when the Constitution was adopted, he was elected the first Senator to Congress from North Carolina, a station in which he nobly sustained the great reputation he had acquired in the former service of his country. Having filled nearly every office of distinction, within the gift of the people, he died in 1816, blessed with the affections of his fellow citizens, and with the remembrance of a well-spent life.

General Thomas Person, was a Deputy from the county of Granville, to the first Provincial Congress. I lament the want of time and space to expatiate on the life of this extraordinary man. There is no name in our history more remarkable for its continued opposition to the oppressions of the Royal government, and the undeviating support of the privileges of the people. He was opposed to the Stamp Act, was a violent Regulator, and, although his estate was ravaged\* and his dwelling plundered by the emissaries of Tryon, he subdued his feelings so far as to forgive their robberies, when he had subsequently the power to punish them. He was a genuine Whig, — not only opposed to the encroachments of the British Parliament, but to the high-handed extortion and corruption of the administration of Governor Tryon. He was elected one of the members of the Provincial Coun-

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\*The desk which the emissaries of Tryon broke open, while ravaging his estate, is still in the Person family, and bears still the mark of the hatchet that was used.



cil when that body was first instituted, after the flight of Governor Martin, and at a subsequent period of our history, was complimented by the erection of the County of Person. In his declining years he displayed a munificent spirit in the endowment of our University, with funds for the erection of a College Chapel, a structure which still bears the name of *Person Hall*, and which sufficiently attests his laudable zeal in the cause of education.

There were four members of this first Provincial Congress, all bearing the same name, and all distinguished for their patriotism and zeal in the cause of their country. Willie Jones, of Halifax, Thomas Jones, of Chowan, Allen Jones, of North Hampton, and Joseph Jones, of Pasquotank, deserve to be noticed as a numerous but able representation of that celebrated Whig family. The early and continued support which they yielded to the rights of the people, as well as the remarkable coincidence of their names, have distinguished them as a patriotic band; and I am not aware that the whole history of the State presents a single example, to impeach the Whig character of that extensive name. As the Revolution advanced, the accession of the name to its cause continues, until the adoption of the State Constitution, when the patience of computation is exhausted, by the immense crowd which are presented for the applause of posterity. The dissimilar characters of the two brothers, Willie and Allen Jones, as well as their respective merits, entitle them to a longer notice than I have space to give. Observing that they were both eminently distinguished for their patriotism, during the progress of the war, I approach the position of these two men during the contest on the Constitution of the United States. To Willie Jones, that instrument was indebted for

its signal rejection in the Convention at Hillsborough in 1788 ; and to Allen Jones it was indebted for a warm and most decided support. The first maintained a sullen silence during the debates of that Convention, and sought the private caucusses and meetings of the members, as a theatre for his vehement denunciations of the Constitution, as the charter of a consolidated government. The latter, on every occasion, lauded it as a wise and prudent compromise, intended to rear up a splendid and respectable government, on the dishonored fragments of the old Confederacy, and the abridged sovereignty of the States. Both were faithful to their earliest principles. In 1776, while the State Constitution was discussed in private letters, and in public harangues, they divided on the same principles ; and, while Willie Jones strenuously insisted on our present Constitution, as the essence of democracy, his brother declared it an unfit system of government, and was the advocate of a powerful government, representing entirely the intelligence, virtue, and wealth of the State. The superiority of Willie Jones over every other individual of the State in 1788, is best illustrated by the rejection of the Constitution of the United States, by a majority of one hundred in the Convention of that year. He was a scholar, as well as an efficient business-man, and, in the language of one of his contemporaries, "could draw a bill in better language, than any other man of his day." He died at his seat near Raleigh, and his remains still sleep in the garden of his former mansion.\*

Thomas Jones, of Chowan, was a lawyer of some distinction in those days, and carried the skill and prudence

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\* Now the property of the Hon. Henry Seawell.

of his profession to the American cause. Between this man and Willie Jones rests the honor of having written the Constitution of North Carolina. I speak upon the authority of a deceased friend,\* when I ascribe the distinction to Thomas Jones, although I do not deny the claim of the other. They were most undoubtedly the framers of the instrument; and it bears in so many instances the stamp of the peculiar services of Willie Jones, that I cannot give up the conclusion, which I formed some years since, that he had a material agency in its composition, as well as its adoption.

Of Joseph Jones, of Pasquotank, apart from the purity of his private character and the undoubted patriotism of his whole life, I have not much to say. One thing, however, deserves to be mentioned, highly illustrative of his public spirit and enterprise. He, together with Benjamin Jones, conceived the project of the Dismal Swamp Canal, a work which, after a revolution of more than a half a century, successfully unites the waters of Virginia and North Carolina, and pours into the mart of Norfolk the rich products of the Albemarle and Roanoke. In North Carolina, he is remembered for his long and perilous service in the cause of her independence, more than for the success of his enterprise. In Virginia a debt of gratitude is due his memory, for the resuscitation of one of her ancient boroughs, and the new spirit of rivalry and enterprise, that broke forth in the jealous rival of the city of Norfolk.

I must here terminate my sketches of the eminent men of that Congress, and proceed to an examination of their proceedings. On the 25th of August, 1774, they assem-

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\* The late Judge Murphy.

bled and organized, and, on the 26th, it was resolved, that three delegates be appointed to attend the General Congress at Philadelphia in September. On Saturday the 27th, they adopted a variety of resolutions on the general state of America, and a few only of local interest. They commenced by the most solemn vows of loyalty for the House of Hanover, and then, in the second Resolve, George the Third is formally recognised as the Sovereign of the Province, and His Majesty assured of their willingness to support his succession, as by law established, against the open or private attempts of any person or persons whatever. After these submissive resolutions, the Congress proceeded to avow their rights, in a language which seemed to mock the loyalty of the first two, by its violence and total inconsistency. They claim the rights of Englishmen, without abridgment, and swear they will sustain them to the utmost of their power. They define those rights to be, that no subject shall be taxed but by his own consent, or that of his legal representative, and denounce in unmeasured terms every policy that assails this most sacred right; and yet such had been the policy of the sovereign, whose authority they had sworn to maintain and defend.\* In every age and every clime, people, no matter how much excited, are slow to embrace the idea of a revolution, and are wont prudently to survey the violence of the waves, before they plunge into the whirlpool. They hesitate on the threshold, and even after they have by their own acts fairly entered, they deny the charge of rebellion or revolution, as a reflection on their honor and patriotism. The Congress, proceeding in the exposition of their rights, condemned the several acts of Parliament, imposing duties on the imports of the Colonies, as highly illegal and

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\* MS. Journal.

oppressive, and declared that the exportation of tea to Boston was a trick to give effect to those abominable acts, and thereby establish a precedent highly dishonorable to America. I shall extract at length one of the resolutions.

“Resolved, That the inhabitants of Massachusetts Province have distinguished themselves in a manly support of the rights of America in general, and that the cause in which they now suffer is the cause of every honest American, who deserves the blessings which the Constitution holds forth to them. That the grievances, under which the town of Boston labors at present, are the effect of a resentment, levelled at them, for having stood foremost in an opposition to measures, which must eventually have involved all British America in a state of abject dependence and servitude.”

The Boston Port Bill was then censured, as an outrage on the liberty of a British subject, and a violation “of the chartered rights granted them by their Majesties, King William and Queen Mary, and as tending to lessen that sacred confidence which ought to be placed in the acts of Kings.” The trial by juries of the vicinage, was pronounced the only lawful inquest that could pass upon the life of a British subject; and the sending of persons beyond the seas to be tried in certain criminal cases, as had been proposed in Massachusetts, was said to be fraught with the highest injustice, and likely to produce frequent bloodshed of the inhabitants.

They declared they would not, after the first day of January, 1775, import from any quarter of the globe any East India Goods or British Manufactures, nor would they purchase such articles so imported from any persons, except such as were then in the country, or might arrive on or before the aforesaid 1st of January. They declared that, unless American grievances were redressed before the 1st of October, 1775, they would not export any tobacco,

pitch, tar, turpentine, or any other articles whatever; to Great Britain. They resolved not to use, nor suffer to be used in their families, any East India Tea, after the 10th day of September, and declared all persons not complying with that resolution, enemies to their country. Their complaints, it will be seen, are generally borrowed from the distresses of Boston, and show the closeness of the various sympathies and ties, which, at so early a period, united the American people.

One of the most important resolutions adopted by the Congress was, that the people of the Province would break off all trade or commerce of any kind, with any city or town, or with any individual in such city or town, that should refuse, decline, or neglect to adopt or carry into execution, such general plan as should be agreed to in the Continental Congress. The resolve on the propriety of the Continental Congress is as follows.

“Resolved, That we approve of the proposal of a General Congress to be held in the city of Philadelphia, on the 20th of September next, then and there to deliberate upon the present state of British America, and to take such measures as they may deem prudent, to effect the purpose of describing with certainty the rights of Americans, repairing the breaches made in those rights, and for guarding them for the future, from any such violations done under the sanction of public authority.

“Resolved, That William Hooper, Joseph Hewes, and Richard Caswell, Esquires, and every of them, be deputies to attend such Congress; and they are hereby invested with such powers as may make any act done by them, obligatory in honor upon every inhabitant of the Province, who is not an alien to his country's good and an apostate to the liberties of America.”

I invite the attention of the reader to the latter resolve, as highly illustrative of the great degree of confidence reposed in the three delegates by the whole Congress. The unlimited discretion, with which these gentlemen were in-

vested, will likewise show the eagerness of the people of North Carolina to coöperate in the scheme of general revolution.

I here extract two other resolutions, expressive of the opinion of the Congress on the policy of the Ministry, and which seem to conclude their deliberations on Continental affairs.

“Resolved, That we view the attempts made by the Ministers upon the Town of Boston, as a prelude to a general attack upon the rights of the other Colonies, and that upon the success of this depends, in a great measure, the happiness of America, in its present race and in posterity; and that therefore it becomes our duty to contribute, in proportion to our abilities, to ease the burthen imposed upon that Town, for their virtuous opposition to the Revenue Acts, that they may be enabled to persist in a prudent and manly opposition to the schemes of Parliament, and render its dangerous designs abortive.

“Resolved, That Liberty is the spirit of the British Constitution, and that it is the duty, and will be the endeavour of us all, to transmit his happy Constitution to our posterity in a state, if possible, better than we found it; and that to suffer it to undergo a change, which may impair that invaluable blessing, would be to disgrace those ancestors, who, at the expense of their blood, purchased those privileges, which their degenerate posterity are too weak or too wicked to maintain inviolate.”

This last spirited resolve, founded on the distresses of Boston, reflects the highest honor on the patriotism and virtue of our ancestors, and deserves to be cherished as a venerable monument of the philadelphian character of the old American Colonies. The people of North Carolina, as has been before mentioned, suffered nothing from the aggressions of the Ministry, except a denial of their rights, and appealed to the outrages committed on their brethren of Boston as the source of their discontent, and as a ground of rebellion.

The Congress, as was usual in all the Provinces, gave

written instructions to their delegates; and, as similar instructions have in several instances been published, to show the Whig spirit of those days, I shall present an exact transcript of those given to the North Carolina delegation.

“Resolved, That the following be instructions for the deputies, appointed to meet in General Congress on the part of this Colony, to wit:

“That they express our sincere attachment to our most gracious Sovereign, George the Third, and our determined resolution to support his lawful authority in this Province; at the same time, that we cannot depart from a steady adherence to the first law of nature, a firm and resolute defence of our persons and properties, against all unconstitutional encroachments whatsoever.

“That they assert our right to all the privileges of British subjects, particularly that of paying no taxes or duties but with our own consent, and that the legislature of the Province have the exclusive power of making laws to regulate our internal polity, subject to his Majesty’s disallowance.

“That, should the British Parliament continue to exercise the power of laying taxes and duties on the Colonies, and making laws to bind them in all cases whatsoever, such laws must be highly unconstitutional and oppressive to the inhabitants of British America, who have not, and from their local circumstances cannot have, a fair and equal representation in the British Parliament; and that these disadvantages must be greatly enhanced by the misrepresentations of designing men, inimical to the Colonies, the influence of whose reports cannot be guarded against, by reason of the distance of America from them, or, as has been unhappily experienced in the case of the town of Boston, where the ears of the administration have been shut against every attempt to vindicate a people, who claimed only the right of being heard in their own defence.

“That, therefore, until we obtain an explicit declaration and acknowledgment of our rights, we agree to stop all imports from Great Britain, after the first day of January, 1775, and that we will not export any of our commodities to Great Britain after the first day of October, 1775.

“That they concur with the deputies or delegates from the other colonies in such regulations, addresses, or remonstrances, as may be deemed most probable to restore a lasting harmony, and good understanding with Great Britain, a circumstance we most sincerely



and ardently desire, and that they agree with the majority of them in all necessary measures for promoting a redress of such grievances, as may come under their consideration."

Such are the instructions of the Congress to the delegates, and they are marked by the same inconsistency which was observed in their first deliberative effort. The King was the lawful sovereign, and they were determined to support his authority; but they cannot depart from a steady adherence to a principle which they have long loved, viz. that of resisting encroachments on their rights against any authority whatever.

The most important local subject which was discussed during this Congress, was the non-importation of slaves from the coast of Africa. In one of their resolves I observe it positively interdicted, — not in a spirit of hostility to the commerce of England, or with a view to derive an exclusive benefit from such a trade, — but in the unequivocal language of the resolve, "That they will not import any slave or slaves, nor purchase any slave or slaves imported or brought into this Province by others, from any part of the world, after the first day of November next." If I considered such a proposition as a fit one for discussion in this volume, I should embrace the opportunity to suggest a dissentient opinion, to the expediency of this step of our forefathers. The wise framers of the Constitution of the Union did not appreciate such a step as an instantaneous termination of the slave-trade, and understood too well the rights of the people, and the extent of our commerce, to assail so vitally the existence of so extensive a trade. The ships of New England were profitably employed in such a commerce, and the Southern States acknowledge the benefit and favor of their agency, in the extent and rate of their purchases.

The morality of that age had not been attuned, like that of the present day, by the exciting harangues and publications of fanatics and demagogues ; but the right of property was respected, and the stability and peace of the community considered, as not an indifferent point in the civil duties of a good citizen. The importation of barbarians from the deserts of Africa, to the genial, fruitful, and Christian clime of North America, and their gradual regeneration, was considered as a requital for many of the horrors of slavery, which now figure in the visionary schemes of agitators and emancipators. The prejudices of birth may be invincible ; but I shall be slow to acknowledge the consequent purity of all men, who deny the legal existence of such a relation as master and slave, and whose only anticipated delight seems to be, the destruction of our property, or the massacre of our people.

In this Congress the principle of voting by counties and towns was adopted, as the most suitable method of deciding all differences which might arise in their deliberations. This singular mode seems to have been adopted on account of the irregular numbers of deputies, which, from peculiar reasons, each county would sometimes appoint. In many of the small counties, four and frequently five or six aspiring men were candidates for the suffrages of the people ; and, in all such cases, prudence suggested the propriety of tying them more closely to the Whig cause, by a general election. Even the small boroughs concluded to send a more numerous deputation ; nor was this an impediment to the despatch of public business, or an expensive grievance to the Province, as each county or town commanded but one vote, and paid the expenses of its own members. The system of voting by counties was

of great service in preventing long and distracting debates, and destroyed the influence of such members as were secretly indisposed to the general cause. The execution of the Resolves of the Congress was entrusted to a County Committee, which the deputies of each county and town were instructed to have elected; and here the admirers of an absolute democracy may find a noble and worthy example for their respect and admiration. These County Committees soon sprang into existence at the recommendation of the deputies, and proved the most active instruments engaged in the revolution of the country. The number five, proposed by the Congress, was not respected in many of the counties; and this disobedience was atoned for, by a most rigorous execution of the duties of their office. When the freeholders of the county of Bute assembled at the old Court House, on Shocco, for the purpose of electing the Committee, a variety of propositions were submitted as to the proper number of persons to compose it; and, amidst the debate, Benjamin Ward, a much respected Esquire of the county, suggested that one should be selected from each *kin*,—to use his own homely expression. He supported his proposition with success, and accordingly one Committee-man was elected from each family, which had the desired effect of uniting all the relatives to the Whig cause. The rigid scrutiny of these County Committees soon detected all suspicious persons. They extorted oaths of loyalty to the American cause, and the signal punishment which they dealt out to all hapless recusants, made the doubtful sincere and zealous, and the refractory and decided Tories, silent and indifferent. The only two acts of the Congress which remain for me to notice, are the resolution making a provision for the

future existence of the body, and the last act of thanks to their able and fearless Moderator. With regard to the first, it was agreed that the Moderator, or in case of his death, Samuel Johnston, might at any time call them together, at such place as he might deem proper, and, in case of the death or absence of any deputies, it was recommended that others should be elected. I shall extract the vote of thanks to Colonel Harvey, as a duty which history and posterity alike owe his fame.

“Resolved, That the thanks of this meeting be given to the Honorable John Harvey, Esquire, Moderator, for his faithful exercise of that office, and the service he has thereby rendered this Province and the freedom of America in general.”

The duty which Colonel Harvey had performed, in calling together this Congress without authority from any quarter, either the Governor or the people, was a perilous step, and one which might have cost him his life or estate, had the authority of the Royal government been sufficiently strong. He had affixed his name to many of the handbills and advertisements, which called upon the people to elect delegates, and which provoked a Proclamation from Governor Martin. He did not shun the dangerous distinction of presiding over the first Independent Provincial Congress, although it was denounced by the Governor as a treasonable assemblage; and it will be seen, at a subsequent period, that he did not hesitate to issue his proclamation convening the Congress, on the same day with that of the Provincial Assembly.

After the adjournment of the Provincial Congress, Governor Martin visited New-York, for the benefit of his health, and perhaps for the benefit of his government.

The tumults that raged around him, at New Berne, and which threatened to overthrow his power, were, by his own confessions, beyond his control; but the prudent counsel and great influence of Governor Tryon, who still governed New-York, might restore peace and authority to the Governor of North Carolina. He was desirous, too, of being in the vicinity of the Continental Congress, that he might observe the conduct of the more contiguous Royal governors, and thus regulate his own government. During his absence the administration of the government devolved upon James Hasell, the President of the Council, a gentleman even of less energy and popularity than Governor Martin. In the course of this temporary government, the only matters worthy of notice, in which President Hasell acted a part, occurred on the 8th of October, in the proceedings of a meeting of the Council. The excited state of the public mind forbade the meeting of the Assembly, and accordingly it was by advice prorogued until the 24th of November. His Honor was pleased to communicate to the Board His Majesty's order in council under the Royal sign manual, dated the 1st of June preceding, signifying and declaring the Royal disapprobation and disallowance of several acts of Assembly, and, among many others, an Act for the Relief of Insolvent Debtors. This act I noticed in my remarks on the first Assembly of 1773, as having been introduced by William Hooper. It was now repealed by the Royal disallowance, but was revived in 1777, by the Assembly of the State, and is still referred to in practice, when the debtor refuses to take the benefit of a later statute. An act too, which had been extorted by the popular House from Governor Martin, for the more speedy recovery of all debts and de-

mands under five pounds, as well as the fee bill, was rejected by the same authority, and these *vetos* of the King were not of a character to conciliate the angry feelings of the people. In the mean time, the Continental Congress had, on the 5th of September, assembled, and found its body filled by delegates from all the Provinces except Georgia. The proceedings of this Congress, as applied to the history of North Carolina, I shall notice in the Third Part of the volume; in this place I shall only observe the nature of the celebrated association, which was there formed, and which was circulated and adopted throughout the country. By the sacred ties of virtue, honor, and love of country, they bound themselves and their constituents not to import, after the first day of December, 1774, from Great Britain, or Ireland, any goods whatever, or from any other place any goods thus imported. A resolution of non-importation, after the 10th of September, 1775, was adopted, which should be repealed by the intermediate repeal of the offensive acts of Parliament. Copies of this association were carried into each Province by the delegates, and laid before the Provincial Congress for their approbation. It served to test the loyalty of many pretended Whigs, and to direct the attention and sympathies of the people to a scheme of union and united action.

## CHAPTER IV.

### THE ADMINISTRATION OF GOVERNOR MARTIN.

(CONTINUED.)

(1775.) This year is full of important events, and during its course, the downfall of the Royal government occurred. The political leaders of the day now threw aside all disguise, and announced to the people the approach of a civil and foreign war, for the preservation of the inherent rights of British subjects. It is pleasing to the historian to arrive at such a period in his narrative, when all hope or even anxiety for a compromise has been extinguished, and all artificial and equivocal homage to the Throne, disavowed in the gallantry and enthusiasm of an injured people. In the revolution of the year 1775, the people of North Carolina, enamoured with the idea of independence, overthrew the Royal government, and abjured all allegiance to their hereditary sovereign.

Governor Martin, after having enjoyed an interview with Governor Tryon, previous to his departure for England, returned to his own government in the month of January. On the 10th of February he issued a proclamation against the legality of a purchase of territory effected by Richard Henderson (formerly one of the Royal Judges), John Williams, and others, from the Cherokee Indians. The purchase included lands in the present State of Kentucky, and was alleged to be in violation of the Royal proclamation of date the 7th of October, 1763, as well as an act

of the Provincial Assembly. I have in my possession (by the courtesy and kindness of the late Chief Justice) the papers and letters of his father during his travels and residence in the wilderness. They constitute a mass of rich material for the early history of Kentucky, as well as the best evidence of the enterprise and sagacity of their author.

In the provisions of the bill, restricting the trade of the Colonies to Great Britain, Ireland, and the British West Indies, which was passed by Parliament in the month of February, 1775, North Carolina and New-York were excepted. "The historians of the adjacent States" have observed this exception with a suspicious curiosity, and I here introduce at length, and without curtailment, the following letter from Alexander Elmsly to Governor Samuel Johnston, which will be found to explain the true reason of the exception. Mr. Elmsly, as I have before stated, was one of the agents of the popular House resident in London.

" London, April 7th, 1775.

" DEAR SIR,

" Yours by Capt. Scott came to hand in due season, as did the money for Mr. Barker, which is at his credit. Your Bill £100, order Mr. Ferrear, was this day paid.

" I am happy to hear of your having a little boy ; he is about ten months younger than my little fellow, who came to supply his sister's place, as did yours. You must take great care of him, and if you can rear him to the age of four or five years, and afterwards trust me with him, they shall be brought up together, as if they were both of the same stock. You must keep him out of the sun in summer, and yet keep him out of doors as much as possible ; there is no other way of raising children in your climate. Could you strike the months of June, July, and August, out of your calendar, you would be immortal ; but as it stands, you are little better than birds of passage.

" Your politics are past my expectations, and out of my reach. I thought incorporating you would not only have remedied the dis-



order, but have given additional vigor to the Constitution; but, excepting our friend Mr. Barker, nobody either here or there is of the same opinion; therefore I shall suppose for the present, that he and I are mistaken, and wait with resignation the event of the measures adopted on both sides of the water.

“On our side they are as follows :—

1<sup>mo</sup>. The House of Commons have voted by resolve, that if you will tax yourselves for the purpose of supporting your own establishments, and also contribute a certain sum for the general safety, the amount of which to be satisfactory to the King and Parliament, and to be at their disposal, then the Parliament will desist from laying any further taxes for the present. This, they say, is holding out to you the olive branch; I say it is a dirty, disgracing, degrading expedient, compared to mine; but it is so much akin to a similar one proposed in the House of Lords by Lord Chatham, and approved of by Franklin and the other Americans here, that I must suppose myself again mistaken.

2<sup>do</sup>. A bill has received the Royal assent for preventing the four New England Colonies from fishing, after the 25th of June next, and another has been read three times, in the House of Commons, for restraining the trade of all the associated Colonies to Great Britain and the British West Indies; out of this restraint, however, New York and North Carolina are excepted; the former because their Assembly did not recognise the new laws, the latter for reasons not generally known; they are, however, one or all of the following: 1<sup>st</sup>. Mr. Barker and myself, instead of the petition you sent us (which contained besides strange inaccuracies, indirect reflections on the Parliament, or the Ministry at least), drew up a memorial in more decent terms, which we left a rough draught of with Mr. Pownal, the Secretary, for his inspection, previous to its being presented to the Board. This was about the 10th of February; in two or three days we called to know his sentiments on it; he told us he had perused it, approved of it, and pressed us much and repeatedly to have it lodged as soon as possible, which was done the next day. Two or three days after, Lord North moved for the restraining bill in the House of Commons, and North Carolina was and still is left out. The next reason is, we have as yet received no account of your Assembly, or rather the members of it, having ratified the new laws, nor have you been charged with any excesses in the execution of them. The last, and perhaps the best reason is, Governor Tryon (who returns to New York immediately) is much your friend, and

I doubt not has exerted himself in your behalf accordingly. Whether you will thank us for this distinction, or not, whether it will not be considered as opprobrious instead of honorable, whether Mr. B. and myself will be censured, or not, as having been in all probability instrumental in bringing it about, I do not pretend to say. But in our defence, or rather in mine, for it was with much reluctance he consented to suppress the petition, you will take notice, that when your Memorial was presented, we had no idea that such restraining bill was intended; on the other hand, should this exemption be received favorably, give us no credit for it, for, had it not been for a tenderness we had for the reputation of your Assembly, as having been long members of it, your Petition, exceptionable as it is, should have been presented. I do not know whether you ever perused it, but my objections to it were, first that a memorial from us was as good as it, and next that you generally address the King as the people of New England do each other, in the third person; for instance, you say, in more places than one, 'Your Majesty in his great goodness, in his great wisdom,' &c. instead of 'your goodness,' &c.; this might have passed from a poor ignorant criminal, begging his life, but surely better things would have been expected from your Assembly. Besides this objection, there was another. You say you have been taught to expect redress from the Throne alone, i. e. you expect none from the Ministry or the Parliament. How far you are well grounded, I do not know; but as I well know that none of these petitions ever reach the Throne, but through the hands of the Ministry, to whom they are left as an ordinary piece of business, I thought, and I still think, it would have been preposterous to have presented a petition, which, amongst other things, sets forth that the petitioner, from past experience, did not doubt of having his petition rejected. This objection, however, alone, would not have had much weight, at least not enough to have prevented our presenting the Petition; but, on account of both together, it was agreed to suppress it, and to substitute a Memorial in its room, and keep the whole a secret; and I am not sure whether Mr. Barker would not be dissatisfied, if he knew that this matter had been communicated even to you; therefore pray say nothing about it. With respect to the success of your Memorial, we can at present form no judgment of it, but are told that by next packet the matter will be settled, and if no bad news arrives from Carolina in the mean time, we hope it will be in part settled to your satisfaction.

“ You ask Mr. Barker to let you know who it was that first moved, here, against your Court laws. Neither he nor I know certainly ; but when old Mr. McCulloh, as your agent, first received an account of your Court Bill miscarrying, on account of an instruction to your Governor against attachments, he hinted that Lord Hillsborough, then Secretary of State for America, and Lord Hertford, then and now Lord Chamberlain, and both Members of the Privy Council, and North of Ireland men, and friends and neighbours of your Dobbi's, might probably, at their solicitation, have been the means of sending out the instruction. You know Nash had an attachment depending against their estate ; this is only conjecture, but I think it probable ; because, had the measure originated amongst the merchants, we certainly should have heard of it long ago ; as you say, however, it is not of much consequence now, as the new laws have taken place, whether the old ones are restored or not.

“ Old Franklin is gone to Philadelphia, some people say to second Lord North's plan of your taxing yourselves ; but I know nothing of the matter.

“ There is an account received that the transports are sailed from Cork, and next week the Generals Howe, Burgoyne, and Clinton follow them from hence in a man of war ; some of these troops are destined for New York, and two companies with a sloop are to be sent to Georgia.

“ Should your Assemblies refuse to adopt Lord North's plan, and our Parliament persevere, you will have another new set of laws soon established. They say your seaports are to be turned into garrison towns, and the people of the country left at liberty to form any establishment they think proper. Should this regulation take place, I hope you will have no occasion to turn soldier. Your Governor, I suppose, will take up his residence amongst the musketoes at Breacock, and you will be a Congress or Committee man, instead of a military man. I like neither character, but hope you will never have occasion to take upon you the latter especially.

“ Mrs. Elmsly joins me in compliments and best wishes to you and yours.

“ I am, dear Sir,

“ Your affte. friend and h'ble serv't,  
ALEX'R. ELMSLY.”

## CHAPTER V.

### THE ADMINISTRATION OF GOVERNOR MARTIN.

(CONTINUED.)

I SHALL now sketch the conduct of his Excellency and the Council, anterior to the meeting of the Second Provincial Congress, on the 3d of April. On the 11th of February John Harvey issued a proclamation, or notice, requesting the people of the counties and towns to elect deputies to represent them in a Provincial Congress, on Monday, the 3d of April. These papers were industriously circulated, and the elections were quietly proceeding in many of the counties and towns, when, on the 1st of March, the Governor informed the Council Board, that he had observed these notices dated "Perquimons County," and signed "John Harvey," and, considering such proceedings highly derogatory to the dignity of the Legislature, appointed to meet on the same day, and in every light illegal, and inconsistent with good order and government, recommended the matter to the consideration of his councillors; when they, conceiving the highest detestation of such proceedings, were unanimous in advising his Excellency to issue a proclamation, forbidding such illegal meeting, in the following words:

"North Carolina, ss.

"By His Excellency Josiah Martin, Esq. &c.

"A PROCLAMATION.

"Whereas, an advertisement is printed in the public newspapers, and also industriously circulated about this Colony in handbills, dat-

ad Perquimons county, the eleventh day of February, 1775, requesting the counties and towns thereof to elect delegates, to represent them in convention at the town of New Berne, on Monday the third day of April next, and signed John Harvey, Moderator. And whereas the name and authority of such an officer, and such a meeting, is unknown to the laws and Constitution, and such an invitation to the people may tend to ensnare the unwary and ignorant among His Majesty's loyal and faithful subjects in this Province, to partake in the guilt of such unlawful proceeding; and whereas, the Assembly of this Province, duly elected, is the only true and lawful representation of the people, and is competent to every legal act that representatives of the people can do; and as an attempt to excite the people to choose another body of representatives, to meet at the time and place appointed for the meeting of the Assembly, is to betray them into a violation of the Constitution, in points wherein they are most materially concerned to support it, — a contempt of that branch of the Legislature which represents the people, — and highly derogatory to its power, rights, and privileges; I have thought proper, by and with the advice and consent of His Majesty's Council of this Province, to issue this Proclamation, and I do hereby exhort the many good people of this Province, who have, to their honor, hitherto prudently withstood the insidious attempts of evil-minded and designing men, that they do on this occasion steadfastly persevere in such loyal and dutiful conduct, and continue to resist and treat with just indignation all measures so subversive of order and government, and so inconsistent with the allegiance they owe to his Majesty, and that they do not subject themselves to the restraints of tyrannical and arbitrary Committees, which have already in many instances proceeded to the extravagance of forcing His Majesty's subjects, contrary to their consciences, to submit to their unreasonable and chimerical resolves, doing thereby the most cruel and unparalleled violence to their liberties, under the pretence of relieving them from imaginary grievances. And I do hereby further exhort all His Majesty's subjects in this Province, as they value their dearest rights, under the present happy Constitution, and as they would testify their duty and allegiance to the best of Kings, that they forbear to meet to choose persons, to represent them in convention pursuant to the advertisement herein before recited. And I also do most earnestly recommend to them to renounce, disclaim, and discourage all such meetings, cabals, and illegal proceedings, which artful and designing men shall attempt to engage them in, and which

can only tend to introduce disorder and anarchy, to the destruction of the real interest and happiness of the people, and to involve this Province in confusion, disgrace, and ruin.

“ Given under my hand, &c., A. D. 1775, March 1st.

(Signed)

“ JO. MARTIN.

“ God save the King.”

This frothy Proclamation was, however, of no avail, and the zeal of the Whigs only increased when they perceived the discomfiture of the angry Governor. The Royal government was tottering to its base, and the intemperate language of Governor Martin, as well as the firm and decided stand of the Whig leader, was an ominous sign of its fall. Finding that his violent Proclamation could not intimidate the people, and that the delegates were in many instances likewise members of the Assembly, on the 2d of April he convoked the Council, and acquainted them that he had received his Majesty's command to use his utmost endeavours to prevent the appointment of delegates to the Continental Congress, and that as a Provincial Congress was to assemble in New Berne on the next day, for that illegal purpose, he desired to be advised as to the measures proper to be taken to prevent the organization of that unlawful assembly. The Council declared that his Excellency had no other means than to issue a Proclamation; and accordingly another vehement document appeared on the morning of the 3d of April, denouncing the proposed Convention, and calling upon the members, in the King's name, to desist from the election of delegates to the Continental Congress, and to withdraw themselves from the aforesaid Convention, on pain of his Majesty's high displeasure. The Provincial Congress convened on the 3d of April, and Colonel John Harvey filled the chair of that body. The Congress did nothing more than

organize on the first day ; and, vesting their Moderator with the power of controlling the periods of meeting, they adjourned, and on the next day assumed the shape of a Provincial Assembly, and waited on his Excellency for the despatch of public business. I shall first notice the proceedings of the Congress, which, like the Assembly, continued in session only a few days. The most important business presented for their consideration was the proceedings of the Continental Congress, and as Messrs. Hooper, Caswell, and Hewes were all present as members of the Congress, they proceeded, on the 5th of April, to lay before their constituents the association entered into at Philadelphia on the 20th of October, 1774. Richard Caswell presented it, signed by the members of the Continental Congress, and, after it was read, a resolution was adopted by the Congress, approving of the said association, and firmly pledging themselves to adhere to its provisions, and to recommend its adoption to their constituents. It was then signed by all the deputies of the Convention, except Thomas Macknight of Currituck, who was, on a succeeding day, denounced in the following bitter terms, —

**Resolved,** That it is the opinion of this Convention, that, from the ~~disingenuous~~ and equivocal behaviour of Thomas Macknight, it is manifest his intentions are inimical to the cause of American liberty, and we do hold him up as a proper object of contempt to this Continent, and recommend that every person break off all connection and have no future commercial intercourse or dealing with him. **Resolved,** That the above Resolve be published in the Gazettes of this and the neighboring Colonies."

The conduct of the delegates to the Continental Congress was not only highly approved, but the Moderator requested, in a set speech, to return them the thanks of the Convention and the Colony. After this ceremony was over,

Colonel Harvey, as one of the members from Perquimons, rose in his seat, and, in another set speech, returned them the thanks of the people of Perquimons, which had been voted on the 11th day of March, at a meeting of the people of that county. But the best evidence of the entire approbation of the Whig party which the delegates to the Continental Congress received, was their re-appointment with the same discretionary powers. In the warm language of that day, they were most heartily beloved, and, in every section of the Province, their names were proverbial for patriotism and devotion to the Whig principles of their countrymen.

The following general declaration of rights was adopted before the adjournment of the Convention.

“Resolved, That His Majesty’s subjects have an undoubted right at any time to meet and petition the Throne for a redress of grievances, and that such right includes a further right of appointing delegates for such purpose, and therefore that the Governor’s Proclamation issued to forbid this meeting, and his Proclamation afterwards commanding this meeting to disperse, are illegal, and an infringement of our just rights, and therefore ought to be disregarded as wanton and arbitrary exertions of power.”

In this Provincial Congress, there appeared several counties and towns which were not represented in the first, and nearly all of them returned an increased number of deputies. From the county of Guilford, which did not appear in the first, Alexander Martin, afterwards Governor of the State, appeared; Parker Quince represented the borough of Brunswick; Cornelius Harnett, Wilmington; and John Hinton, one of the commanders in the battle of Allemance, Michael Rogers, and Tignal Jones, appeared as deputies from the county of Wake. The Convention or Congress (for they are terms indifferently



used in their own proceedings), after having provided for a future meeting, adjourned on the 7th of April. The Provincial Assembly met on the 4th of April, and the popular House elected John Harvey their Speaker. This body consisting, with but few exceptions, of the delegates to the Congress, sat for only four days, when it was dissolved by Proclamation. There is something farcical in the conduct of these two bodies. The Congress would be in session, when Mr. Biggleston, the Governor's Secretary, would arrive; and then Mr. Moderator Harvey would turn himself into Mr. Speaker Harvey, and proceed to the despatch of public business. The Assembly, too, occasionally forgot its duty, and trespassed on the business of the Congress. On the 7th of April, I find them engaged in passing resolutions in favor of the Continental Congress, and complimenting Hooper, Caswell, and Hewes; and they would undoubtedly have continued their deliberations on Continental affairs, had not the Governor dissolved them on the next day. The court law and attachment controversy were now forgotten, and, in the elegant language of the play-bills, were "*laid aside to make room for forthcoming novelties.*" As this is the last Assembly that ever convened under the Royal government, I shall lay before my readers the speech of Governor Martin, and the answer or address of the popular House. They are important papers, and will better illustrate the history of the times than any disquisition of mine.

THE LAST SPEECH OF JOSIAH MARTIN, THE LAST ROYAL GOVERNOR.

"Gentlemen of His Majesty's Honorable Council,

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

"I have met you in General Assembly, in hopes that, dismissing every cause of private dissension from your minds, you will calmly, unitedly, and faithfully apply yourselves to the discharge of the high

and important office of legislation, in which you bear so great share, according to the Constitution of this country, that calls upon you for relief at this time, in a most peculiar and pressing manner.

" I look, Gentlemen, with the extremest horror and concern to the consequences of the violent and unjustifiable proceedings in some of His Majesty's Colonies of this Continent, where in many places the innocent, unwary, and ignorant part of the people have been cruelly betrayed into measures highly inconsistent with their duty and allegiance to our most Gracious Sovereign and the State, that tends immediately to involve them in the most embarrassing difficulties and distresses, and which, if pursued, must inevitably precipitate these Colonies from their present unparalleled state of prosperity, into a train of miseries most dreadful to contemplate, whence ages of time will not redeem them to their now envied felicity. You, Gentlemen, are bound by your duty to the King, to the State, and to this people, as well as I by mine, to obviate the contagion of these evil examples in this country, and to defend it if possible from the ruin and destruction to which they plainly lead. I see with infinite concern, the unhappy influence they have already had among us. The meetings to which the people have been excited, the appointment of Committees, the violence these little, unrestrained, and arbitrary tribunals have done to the rights of His Majesty's subjects, the flagrant and unpardonable insults they have offered to the highest authorities of the State, by some of their acts which have been made public, and the stop that has been put in some of the counties to the regular course of justice, in imitation of the unwarrantable measures taken in other Colonies, but too plainly evince their baneful progress here, and loudly demand the most effectual exertion of your restraining and correcting powers. You are now, Gentlemen of the Assembly, by your duty to yourselves, and to your constituents, most peculiarly called upon to oppose a meeting of delegates which the people have been invited to choose, and who are appointed to assemble at this very time and place, in the face of the Legislature. This illegal meeting, pursuant to my duty to the King and the Constitution of this country, and from a regard to your dignity and the just rights of the people, I have counteracted, and I shall continue to resist it by every means in my power. What can this mean, Gentlemen? — Are you not the only lawful representatives of the people in this country, and competent to every legal purpose? Will you then submit to see your constituents misled to violate their dearest privileges, by wounding your dignity and setting up repre-

representatives derogatory to your just power and authority? This, Gentlemen, is an insult to you, of so violent a nature, that it appears to demand your every possible discouragement; for its evident tendency is to create a belief in the people that they are capable of electing representatives of superior powers to the members of our House, which, if it can possibly obtain, must lead to obvious consequences, to the destruction of the essence, if not the very being of an Assembly in this Province, and finally to the utter dissolution and overthrow of its established happy Constitution. This, Gentlemen, among others I have before mentioned, is one of the most pernicious expedients employed in some of the other Colonies, under the influence of factious and wicked men, intent upon promoting their own horrid purposes, at the hazard of their country's ruin. I hope they have been adopted here more from a spirit of imitation than from any principles, and that you, clearly discerning the mischiefs with which they are pregnant, will heartily concur with me in opposing the workings of so dangerous a system.

“As an object of the greatest consequence to all the Colonies, I would recommend it to your first attention to employ your utmost care and assiduity, to remove those false impressions by which the engines of sedition have labored to effect, but too successfully, a most unnatural division between the parent State and these Colonies, which under her protecting, indulgent, fostering care, have attained to a degree of prosperity beyond all example. The basest arts have been practised upon the innocent people, and they have been blindly led to partake in guilt to which their hearts are confessedly averse; and thus step by step they will be seduced from their duty, and all the bonds of civil society will be destroyed, unless timely remedies are applied. This, Gentlemen, is a melancholy prospect, that must seriously alarm every good subject, every humane, every honest man; and it will be your duty as guardians of the constitutional rights of the people, rigorously to oppose proceedings so manifestly subversive of their freedom and happiness. Let it be your care then, Gentlemen, to undeceive the people, to lead them back, from the dangerous precipice to which an ill spirit of faction is urging them, to the paths of their duty; set before them the sacred tie of allegiance by which as subjects they are bound to the State; inform them of the reciprocal benefits which their strict observance thereof entitles them to, and warn them of the danger to which they must expose their lives and properties, and all that they hold dear by revolting from it.

“The frequent occasions you have had in your several capacities as members of the legislature, and magistrates, most solemnly to swear this allegiance, which is an implied duty upon every subject of every State, when it is not professed and declared, must have brought it home to your own consideration, and you are therefore certainly well qualified to explain the obligatory nature and importance of it to the people. They will naturally look up to you for a rule of conduct in these wild and distempered times; and I have no doubt that, taught by your example, they will immediately return to their duty and obedience to the laws, and gladly free themselves from that tyranny which ill-directed zeal and lawless ambition, by all the arts of misrepresentation and delusion, are courting them to submit to. I have the high satisfaction to tell you, Gentlemen, that I have already received signal proofs of the loyalty and duty of a great number of the good people of this Province, and I have the fullest assurance that many more will follow their laudable example. These, Gentlemen, are favorable presages upon which I congratulate you, and which I persuade myself your prudent conduct will improve to the honor and advantage of your country.

“The state of the Colonies is at this time the subject of the deliberations of the Grand Council of the Nation, from whose wisdom and justice they have every thing to expect consistent with the principles of the British Constitution, and the general welfare of the empire, while they continue in the duty they owe to it. The confessed generous character of Britain, and the magnanimity of our most gracious Sovereign, who through the whole course of his reign has uniformly made the happiness of his people the object of all his views, and the rule of all his actions, ensures it to them. On this great arbiter of British rights, it therefore becomes you to rely with the fullest confidence, and to deserve, by a dutiful behaviour, its favorable regard. If a precedent could be wanting, as I cannot suppose it is, to induce to such a right conduct, one of the most respectable of the Colonies affords it to you, and you will see without question, how highly improper it will be at such a conjuncture, to countenance any measures of a contrary nature. If the people of this Colony have any representations to make to the supreme powers of the State, you are the only legal and proper channel of their application, and through you they may be assured of every attention to their dutiful petitions. You, Gentlemen, I dare say, esteem too highly the rights of the people committed to your guardianship, and know too well the limits of your own

**power, to consign them to any other hands, that must not only be disqualified to serve the people, but will infallibly divest you of that dignity and consequence which belong to you, as their lawful representatives.**

“ Let me hope, Gentlemen, that, laying aside all passion and prejudice, you will calmly and with one accord, pursue such a line of conduct in these points of general concern to America, as may be most likely to heal the unhappy differences now subsisting between Great Britain and her Colonies. Consider how great an opportunity you now have to serve, — to save your country, to manifest your loyalty to the best of Kings, and to demonstrate your attachment to the British Constitution, — the most free, the most glorious, and happiest political system in the whole world. If you consult, but for a moment, your own interest and welfare, and the happiness of this people, I cannot be disappointed in any hopes that you will avail yourselves of the occasion. Be it your glory, Gentlemen, to record to latest posterity, that, at a time when the monster sedition dared to rear his impious head in America, the people of North Carolina, inspired with a just sense of their duty to their King and country, and animated by the example of its Legislature, stood among the foremost of His Majesty’s subjects to resist his baneful snares, and to repel the fell invader of their happiness. Thus, Gentlemen, you may redeem your sinking country to posterity, — thus you will acquire to yourselves immortal honor and renown ; while a contrary conduct must inevitably plunge this once happy land in horrors beyond all imagination ; whence nothing can recover it but the generous hand of Britain, interposed to save you from your own destruction. Thus, Gentlemen, I have set before you, upon principles of your duty to the Constitution, and the welfare of your country, the necessity of discouraging, to the utmost of your power, the illegal meetings into which the innocent people have been betrayed, and the unlawful establishments and appointments they have been led to give their sanction to. I have also stated to you the more especial obligation you lie under to prevent that meeting to which the people have been invited to send deputies here at this time, and I have fully admonished you of the ruinous consequences of a different conduct. In addition to these powerful motives, Gentlemen, I am authorized to say, that the unwarrantable measure of appointing delegates to attend a Congress at Philadelphia, now in agitation, will be highly offensive to the King, and this, I cannot doubt, will be reason with you of the greatest force, to oppose so dangerous a step.

" Your next attention, Gentlemen, is due to the particular state of ~~our~~ this Country, that calls for your strictest regard.

" The exhausted state of the Public Treasury, — the large demands upon it that remain unsatisfied, — the dues of public officers that are unpaid, call loudly for your attention to the ill condition of Public Credit, and the Finances of this country; and I trust you will not fail to pay that regard which is due to points of so great importance. — I heartily wish, with regard to matters of finance and mode of taxation, as well as to the regulation of the Treasury, to draw your attention to the admirable system of New York and Maryland, in which last colony public credit is established upon the firmest basis; but the example of every other Colony with regard to the latter article, — I am sorry to say it, — is better than has been as yet adopted here.

" You have now, Gentlemen, fair opportunity to restore to this Province, by a law for the permanent establishment of Courts, that great store of political blessings arising from a due and regular administration of justice, of which I have long lamented to see it deprived. I have received His Majesty's determination upon the proposed regulations with regard to proceedings by attachments, which have been the apparent cause of this misfortune. This I shall communicate to you in the course of your session, and I hope it will obviate all the difficulties that have occurred on this subject. When the establishment of courts shall come under your consideration, you cannot fail to see the necessity of making provision for the judges, and the propriety of that provision being adequate and honorable and suitable to officers of so high dignity and importance.

" Mr. Speaker, and Gentlemen of the House of Assembly, —

" I cannot doubt that you will see the same necessity for supporting the usual establishment of Fort Johnston, founded upon the same principles of public utility, that have induced you to maintain it during so long a series of years.

" Gentlemen of His Majesty's Honorable Council,

" Mr. Speaker, and Gentlemen of the House of Assembly, —

" I am sensible that the advanced season of the year requires your attendance on your domestic affairs, and I shall therefore be glad to find that your unanimity in the conduct of the very important business you are now met upon, affords me opportunity to conclude you speedily and happily. On my part, I do assure you, nothing shall be wanting to promote these good ends.

JO. MARTIN.

" *New Berne, 4th April, 1775.*"

"On motion, Resolved, That Mr. Howe, Mr. Hooper, Mr. Johnston, Mr. Hewes, and Mr. Macknight, be appointed a Committee to prepare an Address in answer to his Excellency the Governor's Speech, and report the same to this House for approbation, 6th April."

On Friday, the 7th of April, the House met according to adjournment. Mr. Howe from the above Committee reported the following Address in answer.

*To His Excellency Josiah Martin, Esq., Captain General, &c. &c.*

SIR,

We, His Majesty's most dutiful and loyal subjects, the members of the Assembly of North Carolina, have taken into consideration your Excellency's Speech at the opening of this session. We met in General Assembly, with minds superior to private dissension, determined calmly, unitedly, and faithfully to discharge the sacred trust reposed in us by our constituents. Actuated by sentiments like these, it behoves us to declare that the Assembly of this Colony have the highest sense of their allegiance to the King of Great Britain, to whom alone, as our Constitutional Sovereign, we acknowledge allegiance to be due, and to whom we so cheerfully and repeatedly have sworn it, that to remind us of the oath was unnecessary. This allegiance all past Assemblies have upon every occasion amply expressed, and we, the present representatives of the people, shall be always ready by our actions with pleasure to testify; sensible, however, that the same Constitution which established that allegiance, and enjoined the oath in consequence of it, hath bound Majesty under as solemn obligations to protect subjects inviolate in all their just rights and privileges, wisely intending by reciprocal dependence to secure the happiness of both.

We contemplate with a degree of horror the unhappy state of America, involved in the most embarrassing difficulties and distresses, by a number of unconstitutional invasions of their just rights and privileges, by which the inhabitants of the Continent in general and of this Province in particular, have been precipitated into measures, extraordinary perhaps in their nature, but warranted by necessity; from whence, among many other measures, the appointment of committees in the several counties and towns took its birth, to prevent, as much as in them lay, the operation of such unconstitutional encroachments; and the Assembly remains unconvinced of any steps taken by those committees, but such as they were compelled to take for that salutary purpose.

It is not to be controverted that His Majesty's subjects have a right to petition for redress of grievances, or to remonstrate against them; and, as it is only by a meeting of the people that their sense respecting such petition and remonstrance can be obtained, that the right of assembling is as undoubted; to attempt, therefore, under the mask of authority, to prevent or forbid a meeting of the people for such purposes, or to interrupt their proceedings when met, would be a vain effort unduly to exercise power in direct opposition to the Constitution.

Far be it from us then, Sir, even to wish to prevent the operation of the Convention now held in New Berne, or to agree with your Excellency in bestowing upon them the injurious epithet of an illegal meeting. They are, Sir, the respectable representatives of the people, appointed for a special and important purpose; to which, though our constituents might have thought us adequate, yet, as our meeting depended upon the pleasure of the Crown, they would have been unwise to have trusted to so precarious a contingency, especially as the frequent and unexpected prorogation of the Assembly, one of them in particular, as if all respect and attention to the convenience of their representatives had been lost, was proclaimed but two or three days before the time which had been appointed for its meeting, gave the people not the least reason to expect that their Assembly would have been permitted to sit, till it was too late to appoint delegates to attend the Continental Congress at Philadelphia a measure which they joined the rest of America in thinking essential to its interest.

The House, Sir, neither know nor believe that any base arts have been practised upon the people, in order to lead them from their duty; but we know with certainty that the steps they have taken, proceeded from a full conviction that the Parliament of Great Britain had, by a variety of unconstitutional proceedings, made those steps absolutely necessary. We think it therefore a duty we owe the people to assert, that their conduct has not been owing to base arts practised upon them by wicked and designing men, and have it much to lament that your Excellency should add your sanction to such groundless imputations; as it has a manifest tendency to weaken the influence which the united petition of His Majesty's American subjects might otherwise have, upon their Sovereign, for the redress of those grievances of which they so justly complain.

We should feel inexpressible concern at the information given us by your Excellency, of your being authorized to say that the ap-



pointment of delegates to attend the Congress at Philadelphia, now in agitation, will be highly offensive to the King, had we not recently been informed from the best authority, that His Majesty has been pleased to receive very graciously the united petition of his American subjects, addressed to him by the Continental delegates lately convened at Philadelphia. We have not, therefore, the least reason to suppose that a similar application to the Throne will give offence to His Majesty, or prevent his receiving a petition for the redress of grievances which his American subjects have a right to present, either separately or unitedly.

“ We shall always receive with pleasure the information of any marks of loyalty to the King given to your Excellency by the inhabitants of this Colony, but are greatly concerned lest the manner, in which you have thought proper to convey that information, should excite a belief, that a great number of the people of this Province are disaffected to their Sovereign; to prevent which it is incumbent upon us, in this manner, solemnly to testify to the world, that His Majesty has no subjects more faithful than the inhabitants of North Carolina, or more ready, at the expense of their lives and fortunes, to protect and support his person, crown, and dignity. If, however, by the signal proofs your Excellency speaks of, you mean those addresses lately published in the North Carolina Gazette, and said to be presented to you, the Assembly can receive no pleasure from your congratulations thereupon, but what results from the consideration, that so few have been found in so populous a Province, weak enough to be seduced from their duty, and prevailed upon, “*by the base arts of wicked and designing men,*” to adopt principles so contrary to the sense of all America, and so destructive of those just rights and privileges it was their duty to maintain.

“ We take this opportunity, Sir, the first that has been given us, to express the warm attachment we have to our sister Colonies in general, and the heartfelt compassion we entertain for the deplorable state of the town of Boston in particular, and also to declare the fixed and determined resolution of this Colony to unite with the other Colonies in every effort to retain those just rights and liberties, which, as subjects to a British King, we possess, and which it is our absolute and indispensable duty to hand down to posterity, unimpaired.

“ The exhausted state of the public funds, of which your Excellency complains, we contemplate with great concern; alleviated, however, by the reflection that it has not been owing to any misconduct in

the Assembly. We were withheld from passing any Inferior Court law, but upon such terms as our duty rendered it impossible to accept, by which means no list of taxables could be taken for the year one thousand seven hundred and seventy-three, and consequently no money collected to defray the charges of government for that year and as your Excellency did not think proper to meet the Assembly at their usual time of meeting in the fall, no act could be passed to defray the expenses of the year one thousand seven hundred and seventy-four. The treasury, by these means deprived of two years' collection of taxes, must consequently be unable to answer the great demands upon it, till an act of Assembly can be passed to enable it to discharge them.

"The House, convinced of the necessity of Courts of Justice would willingly adopt any plan for the establishment of them, which in their opinion is consistent with the circumstances of this Colony and for *independent Judges of capacity and integrity* they would with the greatest pleasure very liberally provide.

"We are sorry, Sir, the impoverished state of the public finances will not permit us to provide for the usual establishment of Fort Johnston.

"The advanced season of the year, which of all other times made it most inconvenient for us to attend to public business, will, your Excellency may assure yourself, induce us to forward it with all possible expedition.

"JOHN HARVEY, *Speaker*.

"April 7th, 1775."

"*Resolved*, That the House do highly approve of the proceedings of the Continental Congress lately held at Philadelphia, and that they are determined, as members of the community in general, that they will strictly adhere to the said resolutions, and will, use what influence they have, to induce the same observance in every individual of this Colony.

"This House having received information that William Hooper, Joseph Hewes, and Richard Caswell, Esquires, were appointed by the Convention held at New Berne, as delegates to attend the meeting of the Continental Congress soon to be held at Philadelphia,

"*Resolved*, That the House approve of the choice made by the said Convention.

"*Resolved*, That the thanks of the House be given to William Hooper, Joseph Hewes, and Richard Caswell, Esquires, for the

faithful and judicious discharge of the important trust reposed in them as delegates for this Colony at the late Continental Congress."

On the 8th of April the Assembly was dissolved by Proclamation, and thus ceased for ever all legislative action under the Royal government.

The two state-papers, which I have extracted so much at length, are written with much force, and are far superior to the other public documents of that day in force of language and decision of principles. I have often read the latter of these two with both pride and pleasure, as one of the best illustrations of the political creed of the patriots of the revolution, and as a document every way worthy of the distinguished name by which it is signed.

## CHAPTER VI.

### THE ADMINISTRATION OF GOVERNOR MARTIN.

(CONTINUED.)

(1775.) After the dissolution of the Assembly, Governor Martin found himself surrounded by only a few of his most faithful councillors. The power of the Whig leaders had reduced his government to this lank and lean condition, and, without a military force to sustain it, its total and speedy overthrow was inevitable. With his Council Journal before me, I can accurately trace the signs of a fatal decay, progressing rapidly to the last agony of its existence on the 24th of April. On the 11th of that month, the Governor advised with the Council as to the expediency of issuing writs for the election of a new Assembly; but the councillors proposed to delay it "until the end of June." On the 12th, he laid before the Council the proceedings of the Provincial Congress, signed by John Harvey, wherein, to use his own language, "were certain resolves highly derogatory to the honor and dignity of His Majesty's government, and utterly subversive of the established constitution." He therefore submitted to their consideration the propriety of expressing their indignation at such unlawful and dangerous proceedings, by striking Mr. John Harvey out of the commission of peace for the county of Perquimons, to which proposition the Council assented. On the 14th, he advised with them

as to the maintenance of Fort Johnston, and his authority to do so was sustained by the voice of the Council. John McNair and John Hogg were then appointed Justices of the peace for the county of Orange, and the name of Isaac Marion was *corrected* on the commission of the peace for the county of Brunswick.

In the mean time His Excellency had been busily engaged in endeavouring to fortify his palace and to raise a military force among the Cross Creek Highlanders and the Regulators, the latter of whom he terrified by a representation that they were still liable to be punished for their former rebellion. The people of New Berne watched with much uneasiness the range of cannon planted before the palace, and the committees of the adjacent counties, by intercepting the emissaries of the Governor, gave them intelligence of his efforts to raise a military body-guard. Governor Martin, on the 16th of March, anticipating the present state of affairs, had written to General Gage, at Boston, soliciting a supply of ammunition and arms; and by the vigilance of the delegation in the Continental Congress this letter too had been intercepted, and was now before the Whig authorities of New Berne. These hostile preparations on the part of His Excellency provoked, on the 24th of April, an open rupture between him and the people. Alexander Gaston, Richard Cogdell, and other leading Whigs on that day interposed, and, while the Governor and Council were in session in the chamber of the palace, forcibly seized and carried off the artillery which had been planted for its defence. I shall extract the account of the last Council session.

" At a Council held at New Berne the 24th day. of April, 1775, Present, his Excellency the Governor,

" The { James Hasell,                      Martin Howard, } Esquire  
       { Samuel Strudwick,                 Samuel Cornell, }

" Ordered, a new commission of peace for the county of Pitt wherein the names of John Simpson, Robert Salter, Robert Lanier, Daniel Charles Forbes, Saxon Pearce, and Peter Reeves are to be omitted." — *Council Journal*.

Such were the doings of the Governor and Council when they perceived from the palace windows, the successful incursions of the Whigs. The Council Journal thus abruptly stops, and as abruptly terminates the record of the Royal government of North Carolina. Governor Martin apprehending further violence from the Whig leaders, on the evening of the same day, fled from the palace, and, accompanied by a few of his more faithful councillors, retreated to Fort Johnston on the banks of the Cape-Fear. In the course of his retreat, he visited the house of Farquard Campbell, a Scotch gentleman of Cumberland, who concealed his friendship for the Governor under much apparent zeal in the American cause. He was a powerful leader among the Highlanders, and, during this visit of the Governor, gave him many assurances of the loyalty of the Scotch population.

Governor Martin, however, did not find Fort Johnston a much safer position for his head-quarters, than the palace at New Berne. He relied upon the general coöperation of the Scotch and the presence of the sloop-of-war *Cruiser*, to maintain his authority and to awe the Whigs into submission. The people of the Cape-Fear, however, were not to be intimidated by the compactness of his Highland clans, or the guns of his ship of war. They watched with vigilance the movements of His Excellency ;

and, detecting him in schemes of extensive fortifications, and in an effort to encourage the slaves to arm against their masters, they determined to disarm the fort and to secure themselves from the future machinations of the flying Governor. Colonel John Ashe stepped forward to achieve this hazardous undertaking. He resigned his commission of colonel of the militia of New Hanover, which he held under the Royal government, and accepted the same rank at the election of the people. Thus armed with what he considered the proper authority, he collected a body of troops, and on the 17th of July marched towards Fort Johnston. Governor Martin, finding himself thus rigorously pursued, removed his military stores, as well as the head-quarters of his government, on board the ship of war, and gave up the fort to the ravages of his enemy. The flight of His Excellency from the palace at New Berne, I have ventured to mark as the closing scene of the Royal government. The election of John Ashe, by the voice of the people, to the rank of colonel of the militia, may be fairly designated as the first instance of the acceptance of a military commission under the authority of the people. That extraordinary man, who seemed to seek the most conspicuous and dangerous post in the service of his country, now led the way in the career of revolution; and, His Excellency being forced from the shores of the Cape-Fear, the high-sounding and insolent proclamations are no longer dated, "*The Palace*," but "On board his Majesty's ship of war, *Cruiser*."

During the spring of the year 1775, the attention of all the Colonies was directed towards Boston, a town which seemed to be the object of the devoted vengeance of the Ministry. I have illustrated the feelings and sympathies

of the people of North Carolina, on the distresses of the town, by various extracts from the Journal of the Provincial Congress. Individual opinions may be adduced to justify the resolves of the Congress, and to show the extent of the sympathetic cord of union and brotherly love that stretched across the Thirteen Colonies. At several detached meetings of the people of Mecklenburg in the spring of the year 1775, the universal voice of the people seemed to be, "that the cause of Boston was the cause of all; that their destinies were indissolubly connected with those of their Eastern fellow-citizens, and that they must either submit to all the impositions which an unprincipled and to them an unrepresentative Parliament, might impose, or support their brethren, who were doomed to sustain the first shock of that power, which, if successful there, would ultimately overwhelm all in the common calamity." — *Raleigh Register*, April 30, 1819.

Out of these feelings and opinions grew the Mecklenburg Declaration of Independence, an event which will be noticed here only as one of the deeds of the people of the Province during the year 1775. The Convention, which assembled in Charlotte on the 19th of May, and which declared independence on the succeeding 20th, was convoked by Thomas Polk, who afterwards performed the duty of a herald in the proclamation of its proceedings. The subject of independence was discussed during the two days of its session, and was at last unanimously declared. The news of the battle of Lexington arrived by express during the session of the Convention, and, this intelligence inflaming the minds of the people, the universal voice was for independence. The Declaration was embraced in a series of resolves, which were signed by



**Abraham Alexander, Chairman, and John McKnitt Alexander, Clerk ; and thus were forwarded to Philadelphia by Captain James Jack, whose certificate will be exhibited in the Second Part of this volume. I shall in the course of the present chapter introduce a Proclamation of Governor Martin's, dated on the 8th of August, 1775, in which the Mecklenburg Convention is denounced, and this state-paper, written and published at the time, incontestably establishes the authenticity of the Mecklenburg Declaration of Independence.**

While these scenes were acting in the western section of the Province, the people of the east were engaged in schemes, though not so important, yet equally as violent. The committee of Wilmington, in some of their published resolves, openly accused the Governor of attempting an insurrection among the slaves, and charged him with being an enemy to the country and the Province, and forbade all persons from any intercourse with the floating headquarters of his government. The charge of attempting a slave insurrection may be supported by other circumstances, than those connected with his efforts in the vicinity of the ship *Cruiser*. A slave of Thomas Respiss, of Bath, disclosed to his master a well-concerted scheme of insurrection, which had been engendered by the wicked agency of a Yankee Captain by the name of Johnston,\* who had visited North Carolina in a traffic for naval stores, and who seemed to think it not inconsistent with the duties of an honest trader, to reap the benefit of his skill either in a bargain or a general massacre. These concurring events induced Governor Martin, who saw the evil tendency of such impressions on the strength of his

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\* Letter of Mr. Respiss, and Martin's History, Volume. II. p. 353.

Scotch party, to undertake a defence ; and accordingly, in a letter to Lewis Henry De Rossett, dated on the 24th of June, he declared he had never entertained such a thought, and " that nothing could justify such a measure but the actual and designed rebellion of the King's subjects, and the failure of all other means to maintain his government." The committee of Wilmington on the receipt of this letter repeated their denunciation of Martin as an enemy to the country, and enjoined it on all the good people to regard him as such, and to refrain from all communication with him or any of his abettors. The committee of New Berne, too, came to similar resolutions, and strictly prohibited all persons from removing from Core Sound, or any other place where the Governor might be, under the heaviest penalties. Such was the vigilance of these committees in guarding the interest and prosperity of the country, and which, it will be seen, so much excited the rage of His Excellency, in the Proclamation which will be presently exhibited.

The flame kindled at the battle of Lexington continued to rage through North Carolina, and, one month after the Mecklenburg Declaration, appears as the inducement of the celebrated Cumberland association. These associations prevailed throughout the Province during the year 1775, and were usually signed by the people of the county in which they were instituted. They fully attest the patriotism of the people of North Carolina, and will be extracted in these pages to support the admission of Mr. Jefferson, that " no State was more fixed or forward."

*" The Association, June 20, 1775.*

"The actual commencement of hostilities against the continent by the British Troops, in the bloody scene on the 19th of April last, near Boston, the increase of arbitrary impositions from a wicked

and despotic Ministry, and the dread of instigated insurrections in the colonies, are causes sufficient to drive an oppressed people to the use of arms. We therefore, the subscribers of Cumberland county, holding ourselves bound by that most sacred of all obligations, the duty of good citizens towards an injured country, and thoroughly convinced that, under our distressed circumstances, we shall be justified in resisting force by force, do unite ourselves under every tie of religion and honor, and associate as a band in her defence against every foe, hereby solemnly engaging, that, whenever our Continental or Provincial Councils shall decree it necessary, we will go forth, and be ready to sacrifice our lives and fortunes, to secure her freedom and safety. This obligation to continue in full force, until a reconciliation shall take place between Great Britain and America, upon constitutional principles, an event we most ardently desire; and we will hold all those persons inimical to the liberty of the Colonies, who shall refuse to subscribe to this association; and we will, in all things, follow the advice of our general committee respecting the purposes aforesaid, the preservation of peace, and good order, and *the safety of individual and private property.*" \*

This paper is the composition of Robert Rowan, whose name is first on a long list of signatures. It is a spirited production, and, on the subject of the great American principle, inferior only to the Mecklenburg Declaration. The people of North Carolina were not addicted to an extravagant exercise of the prudence and caution of disguised patriotism. They did not stand back and await the crisis of the contest. Convinced of the justice of their cause, they fully committed themselves in the very beginning of the struggle, and bound themselves, whenever their Continental or Provincial Councils should decree it necessary, to go forth and sacrifice their lives and fortunes for the freedom of the country.

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\* The copy of this Association was found among the papers of Rowan, and the same is now in the possession of Major T. I. Roberson of Cumberland County.

The Continental Congress had assembled in Philadelphia on the 10th of May, and it was during the session of this Congress, on the 14th of June, that George Washington was elected Commander-in-chief of the forces of the United Colonies. The important nature of its proceedings, as well as the flight of Governor Martin, induced the political leaders to undertake the organization of a form of government; and accordingly, on the 10th of July, a general order or letter was issued from Edenton, the residence of Samuel Johnston, and now the head-quarters of the Whig party. The death of John Harvey, which took place on the 3d of June (I believe), was deeply deplored throughout the colony; and I find it mentioned in many of the private letters of that day, in terms of the deepest and most sincere regret. Mr. Hewes in a letter to Mr. Johnston, dated on the 8th of July, 1775, says, "Since my last, by Mr. Underhill, I am favored with yours of the 11th of June. The death of our old friend, Colonel Harvey, has given me real uneasiness. He will be much missed. I wish to God he could have been spared, and that the Governor and Judge Howard had been called in his stead." The Provincial Congress had requested Samuel Johnston, in the event of the death of Colonel Harvey, to assemble a new convention; and accordingly, the following general request was issued.

*"To the Committee of 'Tryon' County.*

*"Edenton, 10th July, 1775.*

GENTLEMEN,

"In pursuance of the trust which devolves on me by the much lamented death of our late worthy Moderator, I am to request the favor of you to summon the Freeholders of the county of Tryon, to meet at such convenient time and place as you may appoint, to choose and elect proper persons to serve as Delegates in a Pro-

vincial Convention, to be held at Hillsborough, on the twentieth day of August next; and as affairs of the last importance to this province will be submitted to their deliberation, I would recommend that the number of Delegates for each county should not be less than five.

“I am, with great respect, gentlemen,  
your most obedient servant.

“SAMUEL JOHNSTON.”

In the progress of the election in Tryon, the views and principles of the people of that county were developed in the adoption of an Association, which was submitted to the inhabitants, as a test of patriotism. It was adopted and signed by the county committee, on the 14th of August, and ordered to “be signed by each and every freeholder of the county of Tryon.” It was discovered during the last year, among the papers of General William Graham of Rutherford, and was first published in the “North Carolina Spectator” of May the 11th. I here extract it, as a paper highly illustrative of the Whig principles of the day, as well as of the sympathy of North Carolina with the distresses of the people of Boston.

“AN ASSOCIATION.

“The unprecedented, barbarous, and bloody actions, committed by the British Troops on our American brethren, near Boston, on the 19th of April and 20th of May last, together with the hostile operations and treacherous designs now carrying on, by the tools of Ministerial vengeance and despotism, for the subjugating all British America, suggest to us the painful necessity of having recourse to arms, for the preservation of those rights and liberties, which the principles of our Constitution and the laws of God, nature, and nations have made it our duty to defend. We, therefore, the subscribers, freeholders and inhabitants of Tryon County, do hereby faithfully unite ourselves under the most sacred ties of religion, honor, and love to our country, firmly to resist force by force, in defence of our natural freedom and constitutional rights against all invasions;

and, at the same time, do solemnly engage to take up arms, and risk our lives and fortunes in maintaining the freedom of our country, whenever the wisdom and counsel of the Continental Congress, or our Provincial Convention, shall declare it necessary; and this engagement we will continue in and hold sacred, till a reconciliation shall take place between Great Britain and America on constitutional principles, which we most ardently desire; and we do firmly agree to hold all such persons inimical to the liberties of America, who shall refuse to subscribe to this association.

“Signed by —

*John Walker, Charles McLean, Andrew Neel, Thomas Beatty, James Coburn, Frederick Hambright, Andrew Hampton, Benjamin Hardin, George Pearis, William Graham, Robert Keandey, David Jenkins, Thomas Espey, Perygren Mackness, James McAfee, William Thomason, Jacob Forny, Davis Whiteside, John Beeman, John Morris, Joseph Harden, John Robinson, Valentine Mauny, George Blacke, James Logan, James Baird, Christan Carpenter, Abel Beatty, Job Turner, Jonathan Price, James Miller, Peter Sedes, William Whiteside, John Dellinger, George Dellinger, Samuel Karbender, Jacob Mooney, Jr., John Wells, Jacob Castner, Robert Hulclip, James Buchanan, Moses Moore, Joseph Kuykendall, Adam Sims, Richard Waffer, Samuel Smith, Joseph Neel, Samuel Lofton.”*

I shall now introduce the Proclamation of Governor Martin, dated on board the Sloop of war Cruiser, which, as I have before stated, will be found to sustain the truth of the Mecklenburg Declaration of Independence. The angry tone of this document, and the many proceedings of the Whigs which it details and censures, is the best evidence of their industry and zeal, and I incorporate it into my narrative as a singular record of many of the important events of the year 1775. It seems to have been more immediately provoked by the circular letter of Samuel Johnston, requesting the election of Deputies to the Provincial Congress; and His Excellency embraced the occasion to denounce “the evil, pernicious, and traitorous councils of the well known leaders.” A copy of it was sent by the Governor to the Moderator of the Con-

gress, which was laid before that body at Hillsborough, and this same copy I found among the papers of Mr. Johnston. When it was laid before the Congress, it was

*“ Resolved unanimously ; That the said paper is a false, scandalous, scurrilous, malicious, and seditious libel ; tending to disunite the good people of this Province, and to stir up tumults and insurrections, dangerous to the peace of His Majesty’s government, and the safety of the inhabitants, and highly injurious to the character of several gentlemen of acknowledged virtue and loyalty, — and further, that the said paper be burnt by the common hangman.”*

This latter order was never executed. The style and language of the resolution of the Congress corresponded with that of the Proclamation, in the vehemence of its censure and denunciation.

*“ North Carolina ss.*

*“ By His Excellency Josiah Martin, Esq., His Majesty’s Captain General, Governor, and Commander-in-chief in and over the said Province,*

**“ A PROCLAMATION.**

“ Whereas I have seen a publication in the Cape Fear *Mercury*, which appears to be proceedings of a general meeting of people, styling themselves Committees of the district of Wilmington, signed ‘Richard Quince, Senior, Chairman,’ in which the well known and incontestable facts set forth in my Proclamation, bearing date the 16th day of June last, are most daringly and impudently contradicted, and the basest and most scandalous falsehoods are asserted, evidently calculated to impose upon and mislead the people of this Province, and to alienate their affections from His Majesty and his governments, and concluding, in the true spirit of licentiousness and malignity, that characterizes the productions of these seditious combinations, with a Resolve declaring me an enemy to the interests of this Province in particular, and of America in general, an impotent and stale device, that the malice and falsehood of these unprincipled censors have suggested, and which is their last contemptible artifice, constantly resorted to and employed to calumniate and traduce every man in every rank and station of life, who opposes their infamous and traitorous proceedings :

“ And whereas by the evil, pernicious, and traitorous councils, and influence of the well known leaders of these seditious Committees, a body of men was assembled in arms at Wilmington, on the 16th or 17th day of July last, for the purpose, as was professed in a letter sent me on the night of the 18th of the same month (signed *The People*), by a certain John Ashe (who presumed insidiously to employ the more respectable name of the people, to cover his own flagitious designs), of removing the King's artillery from Fort Johnston, under pretence of preserving and securing the same for the use and service of His Majesty; and prefacing this declaration with sundry complaints of violence and misbehaviour on the part of John Collet, Esq., Governor and Captain of the said Fort Johnston, many of which it was in my power, and would have been my duty to have redressed if they had been represented to me; which letter, signed *The People*, I thought it proper to answer, and to dissuade the deluded multitude from involving themselves in the criminal enterprize of removing the King's artillery, which had been dismounted by my authority, and not by Captain Collet's, as had been pretended in order to deceive the people into a violence so dangerous and unwarrantable; and I am to lament that my said letter in answer to *The People* produced no other or better effect than to prevent the execution of their criminal intention of removing the King's artillery, which was all that their letter to me avowed; — and that they proceeded, under the lead of the said John Ashe and other evil-minded conspirators against the peace and welfare of this Province, to the said Fort Johnston, and wantonly in the dead hour of the night set on fire and reduced to ashes the houses and buildings within His Majesty's said fort, that had been evacuated and disarmed and was entirely defenceless; — and that they returned next day, and completed before my face the destruction of the wooden defences of the fort to which the fire of the night had not extended, burning the houses and desolating every thing in the neighbourhood of the place, with a degree of wanton barbarity that would disgrace human nature in the most savage state, and was an overt act of high treason against His Majesty, which justified my immediate vengeance, restrained by pity for the innocent, misguided, and deluded people, whom I considered as the blind instruments of their atrocious leaders; who, defeated in the still more flagitious designs they meditated (of which I have the fullest evidence), and already involved in guilt of the blackest die themselves, it might be presumed, urged on the people to every enormity that



might make them appear principals in their own treasons instead of blind instruments thereof, and by extending the guilt among many, screen themselves from the penalties which they had wantonly incurred; — nothing doubting at the same time that cool and sober reflection would justly turn the resentment and indignation of the people against the wicked contrivers and promoters of the violences, into which they had been betrayed to the disgrace of their country and humanity; and that they would expiate their own guilt by delivering up their leaders to receive the condign punishment that the laws inflict on such atrocious offenders; — but having seen with astonishment a publication in the *Cape Fear Mercury* of the 28th day of last month, in which a set of people, styling themselves a Committee for the town of Wilmington and county of New Hanover, have, to obviate the just effects that I expected from the return of reason and reflection to the people, most falsely, seditiously, and traitorously asserted, ‘that Captain Collet was, under my auspices, preparing Fort Johnston for the reception of a presumed reinforcement, which was to be employed in reducing the good people of this Province to a slavish submission to the will of a wicked and tyrannic minister, and for this diabolical purpose had collected several abandoned profligates, whose crimes had rendered them unworthy civil society,’ &c., intending, by various false pretences therein set forth, to justify the enormities into which they had plunged the innocent people; who, I am confident, were for the most part strangers to all the ostensible motives to the outrages they were hurried on to commit, and which, according to the acknowledgments of this despicable seditious meeting, had no better foundation than resentment to Captain Collet, an individual, whose offences the law’s power, and that which I derive from His Majesty, were competent to correct in a legal way; — and seeing that the said Committee, as it is called, have artfully by insidious compliments and flattery, and by their contemptible applause of the outrages and violences perpetrated in and about Fort Johnston, endeavoured to reconcile the minds of the people to treason and rebellion, in order to avert from their own heads the just wrath, with which a due sense of those crimes would naturally inspire the people against the infamous persons, who had basely betrayed them into offences of so dangerous and heinous a nature:

“And whereas I have also seen a most infamous publication in the *Cape Fear Mercury*, importing to be resolves of a set of people styling themselves a Committee for the County of Mecklenburg,

## THE ADMINISTRATION OF

most traitorously declaring the entire dissolution of the laws, government, and constitution of this country, and setting up a system of rule and regulation repugnant to the laws and substance of His Majesty's government; and another publication in the said Cape Fear *Mercury* of the 14th of last month, addressed, 'To the Committees of the several Towns and Counties of North Carolina appointed for the purpose of carrying into execution the resolves of the Continental Congress,' bearing date at Philadelphia, June 19th, 1775, and signed William Hooper, Joseph Hewes, and Richard Caswell; the preposterous enormity of which cannot be adequately described and abhorred. It marks the assembly, from whose members it comes, to be the genuine source of those foul streams of sedition, which, through the channels of committees have overflowed this once happy land, and at this moment threaten it with every species of misery, ruin, and destruction. This publication begins with a recital of the most unparalleled falsehoods that ever disgraced a sheet of paper; witness the infamous misrepresentation of the affair of Lexington, (which must be also wilful,) and the notoriously false position, that Britain cannot support her navy without the aid of North Carolina commodities, calculated to gull the people into a surrender of all the benefits of commerce, to the idle and absurd speculations and decrees of the effectlessly omnipotent Congress at Philadelphia. It proceeds, from these false and infamous assertions and forgeries, to excite the people of North Carolina to usurp the prerogatives of the Crown, by forming a militia and appointing officers thereto, and finally, to take up arms against the King and his government, impudently reprehending the people of this Colony for their inactivity in treason and rebellion;—and concluding the most contradictory, insidious, and nonsensical jargon of exhortation to the people, affronting to and inconsistent with reason and common sense, to exert themselves for the preservation of Britain, to strengthen the hands of civil government, to preserve the liberty of the Constitution, to look up to the reigning monarch of Britain as their lawful and rightful sovereign, and to dare every difficulty and danger, in support of his person, crown, and dignity; after monstrosly, in the same breath, urging the people to the distress and ruin of Britain, to the subversion of all civil government, to open rebellion against the King and his authority; and in the most pointed terms prompting them to arms and resistance; thus insidiously attempting to reconcile allegiance and revolt, and inviting the people to actual rebellion under th

mask and guise and profession of duty and respect; a shallow concealment of horrid treason, that I have no doubt every honest man will explode and treat with its merited contempt and abhorrence; while no man can wonder at the absurdity of this address, as it must invariably attend every like attempt to reconcile things in reason and nature inconsistent. The treasonable proceedings of an infamous committee at New Berne at the head of a body of armed men in seizing and carrying off six pieces of artillery, the property of the King, that lay behind the palace at that place; repeated insults and violences offered to His Majesty's subjects by these little tyrannical and arbitrary combinations, and among others to some of my own servants, who have been stopped, when employed on my own business, and forcibly detained and searched; the unremitting assiduity of those engineers of sedition to sow discontent and disaffection, and the base artifices they employ to alienate and prejudice the minds of His Majesty's subjects by confidently and traitorously propagating the most base, scandalous, monstrous falsehoods of the King's religious and political principles, and of ill designs of His Majesty's ministers; daring thus to defame and traduce even the sacred character of the best of princes, whose eminent and distinguished virtues by universal acknowledgment irradiate, with unexampled lustre, his imperial diadem; and whose piety and strict and inviolable regard to the happy Constitution of his kingdoms in Church and State, and to the welfare and happiness of all his people, stand confessed and admired throughout the world, and confound and reprobate the infamous, traitorous, and flagitious falsehood and forgeries, to which faction hath, upon every occasion, resorted, to prop and support the most unprincipled and unnatural rebellion, that was ever excited in any part of the world upon which the light of civilization had once dawned; — the dangerous, unconstitutional, and illegal measure, to which the people are invited by an advertisement I have seen, signed 'Samuel Johnston,' of electing Delegates to meet in Convention on the 20th inst., at Hillsborough, that is subversive of the whole Constitution of this country, and evidently calculated to seduce and alienate His Majesty's faithful and loyal subjects in the interior and western counties of this Province; whose steadfast duty to their King and Country hath hitherto resisted all the black artifices of falsehood, sedition, and treason, and hath already, on my representation, received the King's most gracious approbation and acceptance; which I am authorized and have now the high satisfac-

tion to signify to His Majesty's subjects throughout this Province and particularly to those in the counties of Dobbs, Cumberland, Anson, Orange, Guilford, Chatham, Rowan, and Surry, who have given me more especial and public testimonials of their loyalty, fidelity, and duty, and to give them assurance of His Majesty's most firm support; which I am confident will not only confirm the good dispositions of this faithful people, and strengthen them to baffle and defeat every effort of sedition and treason, but prompt them also to resist their first approaches by withstanding the now meditated insidious attempt of the intended provincial Convention to steal in upon them the spirit, and erect among them the standard of rebellion, under the cloak and pretence of meeting for solemn deliberation on the public welfare;— and I have no doubt that they will convince the traitorous contrivers and abettors of this plot, of the vainness of their treacherous devices to sow sedition and disaffection in that land of loyalty, by indignantly spurning from them the said intended Congress or Provincial Convention, and not suffering its corrupted breath to pollute the air of their country, now the pure region of good faith and incorruptible loyalty, to whose virtuous inhabitants, I trust, is yet reserved the glorious achievement of crushing unnatural rebellion, of delivering their country from lawless power and wide-spreading anarchy; of restoring and preserving in it the free and happy constitution of Britain, with all that train of envied rights and blessings, which belong to that great and admired system of true and genuine liberty, now most alarmingly threatened with overthrow, by rebellious, republican, and tyrannical factions throughout America.

“ To the end, therefore, that the people of this Province at large may be acquainted with the enormities, violences, and disorders herein before recited, which manifestly tend to the destruction of their peace and welfare, and to the utter subversion of His Majesty's government, and the laws and constitution of this Country; and that I may faithfully discharge my duty to the King and his Majesty's people in this Province (whose welfare and prosperity have ever been my constant study), and in order fully to *forewarn* the people of the dangers and calamities to which the men, who have set themselves up for leaders in sedition and treason, are courting them, to support them in their flagitious enormities, or to *screen* themselves from the penalties to which they know they are become liable, by extending their crime among numbers of their innocent fellow subjects, for whom I have every tender feeling of *pity and*

compassion and forgiveness ; I have thought it proper to issue this Proclamation, hereby to exhort His Majesty's subjects, the people of this Province, as they tender the invaluable rights and privileges of British subjects, that they seriously reflect upon and consider the outrages and violences, into which the innocent inhabitants of many parts of this Province and in the counties of Duplin, New Hanover, Craven, and Brunswick, in particular, have been betrayed by seditious artifices of certain traitorous persons who have presumed to take the lead among them ; and to attend to the obvious and ruinous consequences of following the wicked and flagitious councils of men, who, intent only upon romantic schemes and their own mistaken *interest* and aggrandizement, are cajoling the people, by the most false assertions and insinuations of oppression on the part of His Majesty and his government, to become instruments to their base views of establishing themselves in tyranny over them, treacherously aiming, by specious pretences of regard to their rights and liberties (that have never been invaded or intended to be invaded), to delude the people to work their own destruction, in order to gratify for a moment their own lust of power and lawless ambition ; that would undoubtedly carry them, if they could possibly succeed, to reduce the people, upon whom they now call and rely for support in their criminal designs, to the most slavish submission to that very arbitrary power, to which they would now climb upon the shoulders and by the assistance of the people.

“ Let the people but consider coolly and dispassionately the cause in which their infamous leaders would engage them, they will see it, from the beginning of the discontents in America, founded in erroneous principles, and to this day supported by every art of falsehood and misrepresentation ; their best colored and most specious arguments, fraught with sophistry and illusion, have shrunk back from the light of truth, and vanished, confounded of right reason ; yet still unabashed, the tools of sedition have impudently and unremittingly imposed falsehood upon falsehood on the innocent people, extravagantly profaning even the most sacred name of the Almighty to promote their flagitious purpose of exciting rebellion, until they have shaken the allegiance and duty of great numbers and actually involved some of the people in the most horrid crimes against their sovereign and the laws and constitution of their country. And I do hereby most especially admonish His Majesty's faithful subjects in this Colony, that the holding what is called a Provincial convention, at Hillsborough, in the heart of this Province, is calculated to extend

more widely the traitorous and rebellious designs of the enemies of His Majesty and his government and the constitution of this Province; and particularly to influence, intimidate, and seduce His Majesty's faithful and loyal subjects in that neighbourhood from their duty to their King and Country, which they have hitherto so faithfully maintained; for the furtherance of which purposes, a certain Richard Caswell, one of the three persons deputed by a former illegal Convention in this Colony to attend a Congress no less illegal at Philadelphia, is sent an emissary from that Assembly that hath already denounced ruin and destruction to America, to forward and superintend this meeting at Hillsborough, and to inflame it with the fatal example of said Philadelphia Congress; a part which he has entered upon with the most active zeal, after having often declared his principles averse to the cause in which he is engaged, thus exhibiting himself to the world a monstrous engine of double treason against his own conscience, his King, and country. And whereas I consider this a most open and daring attempt to stir up unnatural rebellion in this Colony against His Majesty and his government, I do hereby advise, forewarn, and exhort all his Majesty's subjects within this Province to forbear making any choice of delegates to represent them in the proposed Convention at Hillsborough, as they would avoid the guilt of giving sanction to an illegal assembly, acting upon principles subversive of the happy Constitution of their country, *and that they, by every means in their power, oppose that dangerous and unconstitutional assembly, and resist its baneful influence.* And whereas, in order to encourage the people to proceed in the treasons to which they have been blindly influenced and misled by the persons, who have set themselves up for leaders among them, it has been represented, in order to inflame and render the people desperate, that they have offended past forgiveness, and that, having no mercy to hope from the King, their better chance is to prosecute their treasons to open rebellion and resistance of His Majesty and his government; I think it proper, in tenderness and pity to the poor, misguided multitude, and to obviate this abominable design of engaging them more deeply in transgression, *hereby to offer, promise, and declare to all, each, and every of them, His Majesty's most gracious pardon for all violences done and committed to the date hereof, on their return to their duty to the King and obedience to lawful government, and renouncing their seditious and treasonable proceedings: and I hereby offer ample reward and recompense to the people or any of them, who shall yield and deliver up to me the few principal*

*persons who seduced them to the treasonable outrages herein before mentioned, to be dealt with according to law.*

“ And whereas the people in many places have been seduced to the choice and appointment of military officers among themselves, which is an usurpation and invasion of his Majesty's just and lawful prerogative, and whereas no person whatever is entitled to hold, exercise, or enjoy any commission or authority over the militia of this Colony, but such as are commissioned by His Majesty or his Governor of this Province, and whereas a certain John Ashe, herein before named, who lately resigned to me his commission of colonel in the militia of the County of New Hanover, has presumed to influence and conduct a body of armed men of the said county and of other adjacent counties to the most daring and treasonable outrages, and a certain Robert Howes, alias Howe, hath also presumed, without commission from me or any lawful authority, to take upon himself the style and title of Colonel, and to advertise and summon the militia of the County of Brunswick to meet in order to be trained to arms; I do hereby forewarn the people against any and every such election of officers to which they are or may be invited, and caution them against any obedience and regard to any persons who have been or may be so appointed and chosen, hereby declaring every such election illegal, unconstitutional, and null and void to all intents and purposes; and that the said John Ashe and Robert Howes, alias Howe, before mentioned, and both of them, and every other person and persons, who hath or have presumed to array the militia and to assemble men in arms within this Province, without any commission or authority, have invaded His Majesty's just royal prerogative and violated the laws of their country, to which they will be answerable for the same.

“ And whereas it is out of doubt that a majority of the people of this Colony, left to follow the impulses of their own hearts and understanding, are loyal and faithful subjects to His Majesty and true and firm friends to the constitution and laws of their country; and whereas it appears that the assembling a convention at Hillsborough will bring the affairs of this country to a crisis, which will make it necessary for every man to assert his principles, — I do hereby conjure the good people of this Province, as they tender and regard the blessings of British subjects, that they do firmly persist and persevere in their duty and allegiance to His Majesty, hereby assuring them in the King's name and by His Majesty's authority, of his firm and determined resolution to maintain his faithful subjects in the full and free enjoyment of all

*their religious and civil rights, liberties, and privileges, and of His Majesty's utmost encouragement to them in the defence and support thereof against all enemies, rebels, and traitors whatsoever.* And I do hereby strictly require and command all His Majesty's justices of the peace, sheriffs, and other officers, and all His Majesty's liege subjects to exert themselves in the discovery of all seditions, treasons, and traitorous conspiracies, and in bringing to justice the principals and accomplices therein; and I do further strictly enjoin them to give all and all manner of aid, countenance, assistance, and protection to all His Majesty's loyal and faithful people. And all persons are hereby required to take notice and govern themselves accordingly.

“ Given under my hand and the great seal of the said Province, on board His Majesty's ship Cruiser, in Cape Fear River, this 8th day of August, anno Domini 1775, and in the 15th year of His Majesty's reign.

“ God save the King.

(Signed) “ JO. MARTIN.

“ By His Excellency's command,  
J. BIGGLESTON, *D. Secretary.*”

This proclamation is the dying effort of Governor Martin, and it is almost as long, and quite as furious, as a certain other proclamation of a more recent date. It does ample justice to the Whig leaders, who are so vehemently denounced, and is at the present time valuable only as an historical document establishing the truth of the Mecklenburg Declaration of Independence.



## CHAPTER VII.

### THE NEW WHIG GOVERNMENT.

THE furious proclamation of Governor Martin was of no avail ; and on the 20th of August, 1775, the members of the Provincial Congress, in accordance with the summons of Samuel Johnston, assembled in Hillsborough. On the 21st, the members convened in the church, and at the nomination of Richard Caswell, Samuel Johnston was chosen President, Andrew Knox, Secretary, James Glasgow, Assistant, and Francis Lynaugh and Evan Swann, Door-keepers. In those days, there lived in the town of Hillsborough, a divine, by the name of George Mecklejohn, a high churchman in his religion, and a high Tory in his politics. The Congress, for the want of a more suitable chaplain, adopted this unwilling minister, and he was accordingly introduced by Colonel Francis Nash, and then "he opened the Congress by reading prayers." On the same day, the conduct of John Coulson, an individual of considerable influence in the county of Anson, was discussed, and a numerous committee, headed by Samuel Spencer, appointed to report upon his offences. On the next day, the committee reported through Mr. Harnett the following confession.

"I, John Coulson, do from the fullest conviction solemnly and sincerely declare, that I have been pursuing measures destructive

of the liberties of America in general, and highly injurious to the peace of this Colony; and, truly conscious of the heinousness of my guilt, do now publicly confess the same, and do solemnly and sincerely promise, that I will for the future support and defend, to the utmost of my power, the constitutional rights and liberties of America; and, in order to make atonement for my past guilt, that I will make use of every effort in my power to reclaim those persons whom I have seduced from their duty, and also to induce all other persons over whom I have influence to aid, support, and defend the just rights of America. In witness whereof, I have heretofore set my hand, this the 22d day of August, 1775.

“JOHN COULSON.”

I have given this confession in full as a sample of many others of a similar character, which are to be found in the proceedings of the Provincial Congresses. The alternative to confess and submit, or to go to prison, was invariably presented to all apprehended Tories; and this penitential confession of Mr. Coulson was not more degrading than many others, which were extorted from the guilty timidity of the loyalists.

One of the most important objects, which the Congress seemed to have in view, was the reconciliation of the Regulators, and the satisfaction of the Highland clans of Cumberland. The lenity of Governor Martin towards the former, and his intrigues with the Scotch, were now rewarded with the support of these two parties; and all the endeavours of the Whigs to win them from his confidence and interest were exhausted, and exhausted in vain. The Congress by a formal resolution contradicted the report that the Regulators were still amenable to punishment, and declared that they should be protected by every means, from any injury to their persons or property. A numerous committee was appointed to confer “with such of the inhabitants as might entertain any religious or

political scruples, with respect to associating with the common cause of America." But all these efforts were unavailing. The Highland clans, with many honorable exceptions however, continued their devotion to the Royal cause, and many even of the Regulators forgot the glory of "the Sons of Liberty" and the principles of their murdered ancestors. The Highlanders contrived to keep not only in the Whig party, but even in the Provincial Congress, many of their coadjutors, who disguised their loyalty under excessive zeal in the American cause; and the proceedings of this very Convention were adorned by the genius of Farquard Campbell, a high Tory, but a gentleman of wealth, education, and, I have heard, of rank. I shall anticipate the career of this man, to illustrate the character of a disguised Tory, a common hero in the history of every country, and one, which is as frequently the result of prudence as of vice and treason.

Farquard Campbell was a member of a previous Congress, and passed the many ordeals or tests which the vigilance of the Whig committee instituted, and before which my readers may remember a Mr. Macknight of Currituck shrunk, and gave up the American cause. When this Congress assembled, however, the fact, that Farquard had been visited by Governor Martin on his flight from the palace, was well known; and now we observe the jealousy of the Whigs aroused, by the receipt of a letter from Mr. Biggleston, the Governor's Secretary, asking the favor of the Congress, to give safe conduct to His Excellency's coach and horses, to the house of Farquard Campbell in Cumberland. On the receipt of this letter, the President laid it before the Congress

and Farquard rose in his seat and "said he was amazed that Mr. Bigglestone should have made such a proposal without his privity or consent, and implored the House not to permit such a disposition of the coach and horses." On this positive disclaimer, a resolution was passed acquitting him of the accusations of the Governor and his party, and declaring their conviction of his honesty of purpose, and of his devotion to the American cause. The character of Farquard, however, never recovered from this shock, and, although he continued by these positive assurances to postpone the day of retribution, yet the revolution of a year will disclose his downfall, and with it the fate and character of his countrymen. He signed the test submitted to the members of this Congress, and, on the 12th of April, 1776, voted to authorize the delegates in the Continental Congress to declare independence. He took every stand in favor of the American cause, except a military commission, and was generally among the leading members of the Congress in debates and common committees. Still Farquard was an object of suspicion, and was strictly and jealously watched. I see by the letters of Judge John Williams \* that he was suspected of a secret correspondence with Governor Martin, during the whole time of his service in the Provincial Congress, and that the hope of the Whigs, to operate through him on the Highlanders, was the principal reason of their toleration. As the American cause advanced, however, his part became more difficult to act ; and after the national Declaration of Independence, and the consequent reorganization of the Whig

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\* Letter of Judge Williams to William Johnston, January 10th, 1777.

party, his fate was fixed. He was seized by Colonel Ebenezer Folsome at his own house, while entertaining a party of Highland Royalists, and borne off to Halifax to be tried. This took place during the fall of 1776; and thus closed the political life of Farquard Campbell. He is mentioned in the Confiscation of 1777, for the last time in the Revolutionary annals of the State. The character of this man lost all its dignity in a vain and heartless effort to evade that decision, which he was, as a citizen of the State, bound to make with promptness and sincerity. Not that the character of a loyalist is so odious, when the prejudices of birth operate to make him so; but the circumstance, that he was ashamed of his real opinion, is the best evidence of profligacy of principle in private as well as public life.

With all their violence the Whig leaders were yet prudent politicians, and during the session of this Congress they left no effort untried, to carry along with them the unanimous voice of the people. They not only appointed spirited and well selected committees, to confer with and explain to the people the nature of the controversy with the mother country, and to advise and urge them to defend those rights which they derived from God and the Constitution; but, in their public resolutions and other state-papers, they avoided any expressions calculated to offend the feelings of the loyalists, and of course to render a more perfect union impossible. The Test submitted to the members on the 23d of August, and which was signed by the whole Congress, could not have received the hearty assent of either a violent Whig or an independent Tory; and accordingly we find the names of Thomas Polk, Samuel Johnston, and other Whigs at-

tached to the same political creed with that of Farquard Campbell. They professed allegiance to the King, but denied his authority to impose taxes, and swore to support the Whig authorities of the Continental and Provincial Congress. The Tory in the sincerity of his heart may have responded only to the profession of allegiance, and the Whig may have reciprocated the duplicity of his conduct, by an exclusive prayer for the great American cause. The toleration of Farquard Campbell, the mild nature of the Test, and every other effort at conciliation but postponed the crisis. The calamity of a civil and intestine war, which had been invoked by the wicked genius of the routed Governor, could not be averted, either by the expostulations of friendship, or the solemn obligations of social, kindred, and national ties.

On the 24th of August the Congress declared unanimously, that the people of North Carolina would pay their due proportion of the expense incurred in training a Continental army, and connected both with this and its preamble was a resolution appointing

The President	Richard Kennon,	Dempsey Burgess,
(Samuel Johnston),	Thomas Gray,	Robert Salter,
William Hooper,	Henry Irwin,	Matthew Locke,
Joseph Hewes,	John Penn,	Joseph Williams,
Richard Caswell,	Alexander Martin,	Peter Wynn,
Samuel Spencer,	Joseph Hancock,	William Kennon,
Thomas Respiss,	Matthias Brickle,	Joel Lane,
Walter Gibson,	John Webb,	William Brown,
William Gray,	William Bryant,	James Davis,
Robert Howe,	Thomas Polk,	Archibald Maclaine,
Thomas Eaton,	Whitwell Hill,	Maurice Moore,
James Coor,	Samuel Ashe,	James Hepburn,
John Easton,	Allen Jones,	Willie Jones,
James White,	Henry Rhodes,	Francis Nash, and
Thomas Jones,	Thomas Burke,	Hugh Montgomery,
Alexander McAllister,	Benjamin Harvey,	

a committee to prepare a plan for the regulation of the internal peace, order, and safety of the Province.\*

To this important committee was entrusted the duty of proposing a system of government, which would supply the want of an executive officer arising from the absence of Governor Martin, and of submitting other subordinate plans of government; such as the institution of committees of safety, the definition of the powers of all committees, the qualification of all electors, the mode to be observed in calling Conventions or Congresses, "and every other civil power necessary to be formed in order to relieve the Province in the present unhappy state, to which the administration has reduced it."

It was the most important committee ever yet appointed by popular authority, and achieved one of the most difficult and trying ends of the Revolution. It substituted a regular government, resting entirely on popular authority, for that of the Royal government, and annihilated every vestige of the power of Josiah Martin. Nothing but the idle and vain theory of Allegiance to the Throne was left, to remind the people of the recent origin of their power; and even this solitary star of the Kingly government was dimmed by the bright and rapid ascension of the renown of Washington.

It is difficult to give a succinct account of the complicated scheme of government, which this committee recommended, and this Congress adopted. The county committees, which had been in existence not quite a year, had grown too powerful to be quietly abrogated; and accordingly the Congress had to be content with the regu-

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\* I quote the dates in the text from the MS. Journal of the proceedings of the Congress.

lation of their numbers, a definition of their powers, and the erection of two higher authorities. The violence, imprudence, and sometimes the inhumanity of some of these county committees, had disgusted many of the Whig leaders, who were really disposed to use gentler arguments than tar and feathers, in endeavouring to convert the loyalists; and accordingly we find, in the new scheme of government, all their decisions are submitted to the adjudication of two superior departments. The Provincial Council was now the Supreme Executive of the government, during the recess of the Congress, and consisted of thirteen members, two from each of the six military districts, nominated by the delegates of the district, and elected by the Congress, and one elected for the Province at large. This body had the authority of issuing military commissions, of filling vacancies, and of granting certificates, which were ordered to run in the following form.

*“North Carolina, in Provincial Council, day of 1775.*

“This is to certify that \_\_\_\_\_ was appointed  
in the \_\_\_\_\_ regiment of foot,  
of the American army of this Province, commanded by Colonel  
this, the \_\_\_\_\_ day of \_\_\_\_\_ 1775.”

Immediately subordinate to the Provincial Council, were the District Committees of Safety, which consisted of thirteen, and these too were nominated by the delegates of each district, and elected finally by the Congress. Under the immediate control of the Council, this body had the power to direct the operations of the militia, and such other forces as might be employed for the defence of the Province within their jurisdiction, to receive information, and censure and punish delinquents, either in the first instance, or as a superintending power over the town and county committees.



The next order of government was the town and county committees, and the only alteration made in their arrangements, was the qualification of a freehold for the members, and the limitation of their number to twenty-one. There were now a Provincial Council of thirteen, six committees of safety of thirteen each, thirty-six county committees of twenty-one each, three town committees of fifteen each, and six borough committees of seven, making an aggregate of nine hundred and thirty-four civil officers, vested with power by the authority of the people.

To the supreme direction and control of the military establishment, entrusted by the Congress to the Provincial Council, was added the wholesome and salutary power of a *veto* on the popular election of officers. This prerogative was conferred, to frustrate the designs of the Highlanders and other Tories, who, in their respective counties, had elected officers of a doubtful character; and without some such general power in one of the Whig departments of the government, the integrity, even of the military establishment, might have been sullied. In the county of Cumberland, for instance, the officers of independent companies, as well as committee-men, must have been, in a general election upon the principle of universal suffrage, elected from the Highland clans; as the Scotch population outnumbered every other class, and voted together on all occasions. How common is it in North Carolina, where the right of suffrage is still in one department of the government restricted, to hear it said, that the people at large achieved the liberty of the state, and that therefore universal suffrage ought to prevail! But if the proceedings of the Convention or Congress will be admitted as evidence, it will be found that the freeholders were not

only the principal operatives in the Revolution, but that they were exceedingly jealous of the integrity of those, who had not an interest in the soil. In forming the system of government, which I am now discussing, they absolutely disfranchised a large class of voters, whose weight had been felt in the Royal government, by leaving out the word "inhabitants," \* and using only that of "freeholders," in the clause regulating elections. The original Whig party of North Carolina comprised the wealth, the virtue, and the intelligence of the Province; and from this source alone, moved the Revolution. The restriction of the right of suffrage materially assisted the Whig party of Cumberland, by throwing out of the polls the poor and unmanageable herd of Highlanders, who were generally guided by some wealthy Tory of their clan; and the prospect of this benefit was undoubtedly one of the principal inducements to its rigorous adoption. There was, however, one exception to this rule. In the counties of Bute, Granville, Wake, Chatham, Orange, Guilford, Rowan, Surry, and Mecklenburg, in which the lands of Lord Granville were situated, all householders, who had improved lands in possession, except such as held lands by lease for years, or at will from or under any freeholder, were enfranchised and placed on an equality with the freeholders of other counties. Thus cautious were the founders of our civil liberties, in guarding and preserving the dignity of the polls.

As this is the last occasion I shall have in the course of

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\* Under the Royal government, a large class of people voted, who were not freeholders, under the name of "inhabitants"; and one of the charges against Governor Dobbs, in 1760, was the extension of the right of suffrage.

this volume, to notice the county committees, I shall here describe them somewhat in detail, and endeavour to illustrate incidentally the scheme of the new government. The vehement and ridiculous Proclamation of Governor Martin denounced them, as "the genuine sources of sedition;" and if the word "sedition" alluded to the successful resistance of the people to His Excellency's measures, the compliment was well bestowed, and well deserved. They were appointed in North Carolina, for the first time, in October, 1774; and, although the Provincial Congress had recommended the number five, I find that in many of the counties the advice was not respected, and a larger number of the most respectable freeholders were elected on the county committee. In Bute, the recommendation of Benjamin Ward to select one from each kin was adopted; and nearly every gentleman, of any note, now living in any of the counties, originally included in Old Bute, is a descendant of one of these founders of our Revolution. In that county there were no Tories, excepting a few vagrant Scotch merchants or traders; and even the number of suspected Whigs was so small, that, before the heat of the contest came on, the people were as nearly unanimous as a community can be.

The freeholders, the only electors in the Province, voted for a general ticket of twenty-one; and the elected committee-men assembled on the first day of the County Court, and organized by the appointment of a chairman and a clerk. The third Tuesday of October was the general day of election for members of Congress, committee-men, and all other officers; and, with the adoption of this rule, the number of members of Congress from each county was limited to five. When the committee pro-

ceeded to business, it acted on parliamentary rules, and questions of the greatest importance were frequently debated with ability and decorum. Before these petty parliaments, were brought by force all Tories and suspected persons ; and, although Congress had especially forbidden the infliction of corporal punishment, the common remedy of the whipping-post was esteemed, in many instances, justifiable and highly indispensable. They exercised, rigidly, a political censorship, and did not hesitate to subject to the penance of a dungeon, all persons convicted of disrespectful language towards the American cause. Orders were issued to ravage the estates of the most violent and obnoxious Tories, and appropriate the plunder to the common treasury. But against this warfare of the Whigs, the loyalists were prepared to wage an equally well regulated system of rapine and plunder. The Tories of Cumberland, superior to the Whigs in number, committed depredations on their estates, and carried off from their fields the slaves and cattle of the plantations. But they wanted the regular organization of their adversaries, and the enthusiasm of an injured but free people, to make the contest equal or doubtful.

The county committee held four regular sessions during the year ; but from the great facility of collecting together, and the general disposition for consultation for the general good, during times of danger and distress, they were in the habit of meeting at short notices, for the transaction of any urgent business. They executed all orders from the Council and Committee of Safety, attended to the observance of the Continental association, and all the resolves, orders, and directions of the Provincial and Continental Congress. They exercised a judicial author-

ity, in the arrest of debtors, who were suspected of an intention to abscond, and denied justice to all, who should dare to commence an action at law, without their especial permission. These high powers, some of which, such as the latter, were actually entrusted to them by the Congress, were generally used as means of favor to the Whigs, and of distress and punishment to the Loyalists. The advancement of the great American cause, and not justice, was the motto of the county committees; and in all their adjudications, either on the rights of persons or of property, a refusal to repeat and subscribe the test, was the best evidence of guilt or wrong. They elected out of their number seven members, to act as a committee of secrecy, intelligence, and observation, and authorized them to correspond with the Council, committees of safety, and committees of the neighbouring colonies. To this committee they gave the power of arresting all Tories and suspected persons, and to punish them or send them up to the Council or Committee of Safety for further trial.

The county committee not unfrequently usurped the powers of the county court, and subjected the gravity and reason of the law to the control of the popular will. This conflicting jurisdiction, however, did not "uproot the foundations of civil society," as predicted by Governor Martin; for the notable Esquires of the court were generally the leading members of the county committees. They esteemed it their highest duty to serve the American cause, and proclaimed, by their conduct, that they thought the subscription to the test a higher and more solemn obligation, than the oath of allegiance, or of duty, as an Esquire.

The committees, as I have before said, had been in existence for nearly a year, before the adoption of the system I have here described. The Congress, proceeding to the election of a Provincial Council, made choice of the following members.

PROVINCIAL COUNCIL.

Samuel Johnston, *Province at large.*

Cornelius Harnett,	} <i>Wilmington</i>	Thomas Person,	} <i>Hillsboro'</i>
Samuel Ashe,	} <i>District.</i>	John Kinchin,	} <i>District.</i>
Thomas Jones,	} <i>Edenton</i>	Willie Jones,	} <i>Halifax</i>
Whitmell Hill,	} <i>District.</i>	Thomas Eaton,	} <i>District.</i>
Abner Nash,	} <i>New Berns</i>	Samuel Spencer,	} <i>Salisbury</i>
James Coor,	} <i>District.</i>	Waightstill Avery,	} <i>District.</i>

I now propose to say a few words on the characters of the individual members of this Council, excepting those whom I noticed in my sketches of the first Provincial Congress. The characters of Samuel Johnston, Thomas Person, Thomas Jones, and Willie Jones were there briefly noticed; and, observing this Council as, at this period, the highest and most efficient authority in the Province, the curiosity of the reader may be aroused to know something of them, as private as well as public men.

Cornelius Harnett, "the Samuel Adams of North Carolina," was distinguished as a gentleman of great acquirements as a scholar, as well as a citizen of great wealth and usefulness. He heartily espoused the cause of his country, in the very commencement of her difficulties, and sacrificed, in her cause, his vast fortune and his life. He was elected the President of the Council by the voice of its members, and in this capacity he served the common cause with great fidelity, during the existence of that body. The office of President of the Council was the most arduous and dangerous post, to which a citizen could be called, and, representing the executive officer of gov-

ernment, was exposed to all the abuse and insolence of the proclamations of the British authorities. The great energy of his character, however, supported him through the difficulties of his station, and gave him the confidence and love of his countrymen.

Some years previous to the breaking out of the war, there existed on the Cape Fear an association, or club of gentlemen, well disposed towards the American cause; and among its leading members was Harnett, who coöperated with John Ashe, in all his schemes of resistance. To this junto we are indebted for many of the most eminent Whigs of that section of the State, who studied, as it were, under their guidance; and from the high compliment to Harnett, by Mr. Quincy, we may conclude he was considered at its head, during the year 1773. His reputation, as a Whig leader, had not been confined to the Cape Fear, or even to the Province; and one of the first steps of the British General Clinton, on his arrival in North Carolina during the spring of 1776, was by a public proclamation to except him, together with Robert Howe, out of the benefit of a general pardon. In the course of his service to his country, he fell into the hands of the enemy, and died in captivity.

Samuel Ashe, the other member of the Council for the Wilmington district, was an early and efficient Whig, and, like his brother, John Ashe, a native North Carolinian, and a gentleman of high and elegant breeding. It is the most pleasing duty I have to perform in the composition of this work, to celebrate the characters of such men, and to illustrate the dignity of the history of the State, by an exhibition of the patriotic services of eminent native citizens. The two brothers, John and Samuel Ashe,

are fair subjects for the pen of eulogy, and I shall trespass on the patience of the reader by a short notice of their family, of their characters, and of the services of Samuel Ashe. If called upon to point to her treasures, North Carolina may borrow from the same mother two of her brightest jewels for such an exhibition, and proudly wake up from her slumber, to assume the station and rank, which the founders of her liberty originally gave her.

John Babbita Ashe, the founder of the family in North Carolina, was the friend of the Earl of Craven, one of the Lords Proprietors of the Province, and on that account perhaps visited the shores of the new world. He is observed as distinguished in the political history of the Province about the year 1727; and his name is sometimes found attached to the old statutes under the proprietary government. I am not able to date the exact period of his arrival in North Carolina; but the banks of the Cape Fear have been distinguished, for more than a hundred years, as the residence of the family. He was one of the leading men of his day, and remarkable for the superior accomplishments of a liberal education.

His two sons, John and Samuel Ashe, inherited the high and distinguishing qualities of their father, and came into life at a period when the passions of their countrymen were aroused in the ardent pursuit of liberty and national independence. In the midst of political convulsions, individuals distinguished for energy and decision of character, for patriotism and private worth, and for hereditary respectability of character, rise up naturally superior to the mass around them. A virtuous people will gather around them, and seek the counsels of their better judgment, and confer upon them the honors of power, as the



surest means of public safety. The recollection of the talents and virtues of the father inspires a deeper veneration and contributes to nerve the mind of the hero, as well as to animate the bosom of the people. I have noted the election of John Ashe as Speaker of the popular House in 1764 and 1765, and have celebrated his conduct during the excitement of the Stamp Act. The proclamation of Governor Martin is the best evidence of the vehemence of his zeal, in the earliest period of the war; and the sacking or burning of Fort Johnston, a military movement but a few months subsequent to the battle of Lexington, fully attests his personal intrepidity. When I survey the various and trying services he rendered the cause of his country, at the darkest period of its political existence, the many deeds of valor which he himself accomplished, and the heavy responsibilities which he assumed, I cannot refrain from pronouncing him the most chivalrous hero of our revolution. Quick and sensitive in his feelings, and ardently attached to the cause and the hope of national freedom, while others stood watching the probable issue of the contest, he struck the blow or applied the match, and with himself carried his countrymen, on the stormy field of intestine and foreign war. In the course of the war, he was betrayed into the hands of the enemy by his confidential servant; and, after a long and rigid confinement, was seized with the small-pox, and then discharged on parole. With a constitution, shattered by hardship and disease, he returned to his family, and died shortly afterwards, at the house of Colonel John Sampson of Sampson county.

The character of Samuel Ashe differed from that of his brother, more in the absence of a violent enthusiasm

than in any other quality. He is not found so often in the heat and management of the battle, as in the council chamber, and excelled his brother, in the public estimation, as a politician. Though not so much of a warrior, yet he was the better statesman; and, in the various civil stations which he filled during his life, he acquired the high reputation which he left behind him. At this early period of our history, we find him elected one of the Provincial Council, the highest civil authority in the Province; and in the succeeding spring, when that body was dissolved and a Provincial Council of Safety instituted, he was again elected to a seat in the highest branch of the new government. He was not, however, entirely without distinction in the military operations of the State. In the apprehension of Tories, one of the most hazardous species of warfare, he acquired great reputation as a bold and vigilant Whig; and I find by the journal of the Council of Safety, that he contrived by menaces and persuasions to convert many of the Loyalists of Bladen to the Whig interest. In this, however, the character of the politician may have done more than that of the warrior. The glory of a statesman is to achieve his end by the gentle means of counsel and conciliation, and to leave to the General the service and honor of his country, when these noble means shall have failed. Samuel Ashe, however, gave to the military service of the State two of her bravest and most efficient officers, in the persons of his two sons, Colonels John Babtista and Samuel Ashe. The former, the elder of the two, entered the army as Captain in Colonel Alexander Lillington's regiment, on the 17th of April, 1776, and continued in actual service throughout the war. He commanded a division of North

Carolina troops, at the battle of Eutaw Springs, and at this period of his service I find him enjoying the rank of Lieutenant-Colonel. The younger son, the present Colonel Samuel Ashe of Cape Fear, entered the army at the age of seventeen, as a Lieutenant in the spring of the year 1779. In April, 1780, he joined the army at Charleston, and was made a prisoner on the capture of that city in the month of May of that year. He was subjected to a long and painful captivity of nearly fifteen months, and was then shipped with his companions to old Jamestown in Virginia, where they were exchanged and ordered to join General Lafayette. He remained but a short time with him before he was attached to the army of General Greene, in which he continued until the termination of the war. I have not esteemed these few remarks inapplicable to the character of Samuel Ashe, the member of the Council. To have contributed two such sons to the support of his country, and to have been himself one of the first movers of the war of Independence, is the lot of but few of the heroes in that struggle. In the course of his eventful life, Samuel Ashe filled the highest office of the State under the present Constitution, and died in the full enjoyment of the confidence and love of the people, whom he had so long and so faithfully served.\*

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\* The Ashe family contributed more to the success of the Revolution than any other in the State. Colonel John Ashe's second son, Captain Samuel Ashe, served two campaigns in the Northern States, with the rank of Captain in the Light Horse; and, although he resigned this commission, yet he continued to serve in the militia expeditions of the State during the war. So that there were five officers of that family, all actively engaged in the war. General John Ashe, and his son Captain Samuel Ashe, Governor Samuel Ashe, and his sons, Colonels John Babtista and Samuel Ashe. If I

Whitmell Hill, one of the members of the Council for the Edenton District, was an accomplished and well-bred gentleman, as well as an early and ardent supporter of the American cause. On the dissolution of the Council he still retained his popularity, and was elected one of the Council of Safety. After the organization of the government under the present Constitution, he was elected a member of the Senate, and, in 1778, was chosen one of the members of the Continental Congress, a station which he filled with great honor to himself for the space of three years. Tradition is my only authority in the description of his character;—high-minded and honest as a public servant, amiable and affectionate in his domestic relations, a hospitable gentleman, and an uncompromising and zealous Whig. An extensive posterity at this time supports the honor and credit of his name.

Abner Nash, of the New Berne District, was likewise one of the old stock of gentlemen, as well as a zealous Whig. He resided on the Pembroke estate in the vicinity of New Berne, and was celebrated for the elegance and frankness of his hospitality. He was elected first Speaker of the Senate under the Constitution, and, after the expiration of Caswell's term, Governor of the State. In 1781, however, he was defeated in a contest for that office by Thomas Burke, one of the most energetic and vigilant men of that day. The cause of Burke's opposition was the disordered state of the public finances, which, he alleged, grew out of the carelessness of the executive. The character of Abner Nash, however, was not

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could go at length into a detailed history of the war, these names would again occur often and honorably towards its close; but my narrative will only reach the 4th of July, 1776.

tarnished by the defeat. He may have lost the reputation of a skilful financier ; but the purity of his political character was never suspected. In 1782, immediately after his defeat, he was elected a member of Congress, by the Assembly of the State, and in this capacity he served his country faithfully and honorably for four years. Associated with him as a member of the Council was James Coor, a bold and efficient Whig, who served the State with great fidelity, in every situation in which he was placed.

Thomas Eaton of the Halifax District was a gentleman of large fortune and extensive popularity, and, as such, carried into the Council much weight and consideration. In the course of the war he rose to the rank of a general of the militia, and experienced much service in its conduct, both as a civil and military officer. A numerous and respectable posterity is not the least benefit a patriot can bestow on his country ; and for this, the memory of General Eaton deserves to be cherished, as a faithful public servant.

John Kinchen, who was the associate of Thomas Person for the Hillsborough District, was a genuine Whig, and one who shrunk from no duty, however perilous, to which he was called. He was one of those bold spirits, who volunteered to perform the most hazardous deeds, and who contributed the actual service of his body to the good of the state.

Waightstill Avery and Samuel Spencer, of the Salisbury District, were two of the earliest and most decided Whigs of the State. They were both lawyers and men of an ardent temperament of mind. The former was a signer of the Mecklenburg Declaration of Independence, and will be noticed in the second part of this volume ; the

latter was distinguished afterwards as a Judge, and as one of the ablest opponents of the adoption of the Constitution of the United States.

I have exhausted the patience of the reader, by the tediousness of my details of the principles of the Whig government. The Congress, which I left in session, to discuss the new Whig government, must still be neglected, to make room for at least the names of the members of the District Committees of Safety.

*Wilmington District.*

Frederick Jones.	William Gray.	Alexander McAllister.
Sampson Mosely.	Henry Rhodes.	George Mylne.
Archibald Maclaine.	Thomas Routledge.	John Smith.
Richard Quince.	James Kenan.	Benjamin Stone.
Thomas Davis.		

*Edenton District.*

Luke Sumner.	Joseph Jones.	Stevens Lee.
William Gray.	Miles Harvey.	Charles Blount.
John Johnston.	Laurence Baker.	Isaac Gregory.
Thomas Benbury.	Kennith McKenzie.	Day Ridley.
Gideon Lamb.		

*Hillsborough District.*

William Taylor.	William Johnston.	Ambrose Ramsay.
Joseph Taylor.	John Hinton.	Mial Scurloch.
Samuel Smith.	Joel Lane.	John Thompson.
John Atkinson.	Michael Rogers.	John Lark.
John Butler.		

*New Berne District.*

Alexander Gaston.	Edward Salter.	Benjamin Williams.
Richard Cogdell.	George Burrow.	Richard Ellis.
John Easton.	William Thompson.	William Brown.
Major Croom.	William Tisdale.	James Glasgow.
Roger Ormond.		

*Salisbury District.*

Griffith Rutherford.	John Crawford.	James Auld.
John Brevard.	Hezekiah Alexander.	Benjamin Patten.

William Hill.	Charles Galloway.	Robert Ewert.
John Hamilton.	William Dent.	Maxwell Chambers.

*Halifax District.*

Allen Jones.	William Eaton.	William Haywood.
Rev. Henry Patillo.	Drury Lee.	Duncan Lamon.
James Leslie.	John Norwood.	William Bellamy.
John Bradford.	James Mills.	John Webb.
David Sumner.		

A mere record of their names is the only tribute, which time and space will permit me to pay to the memory of the members of the Committees of Safety. They have left but few records behind them, to attest their industry or zeal, as a body ; but the proceedings of the Council, which I shall presently notice, will sufficiently illustrate the nature of their proceedings. I observe among them the ancestors of many of our worthiest and most distinguished citizens. The names of Richard Cogdell and Alexander Gaston, \* of New Berne, are still cherished by their descendants, and their reputation is still sustained by two of the most learned and eloquent Jurists † of the State. The

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\* Alexander Gaston was shot by a party of Tories, in the year 1781, as he was leaving in a boat one of the wharves of New Berne. The circumstances of his death were most distressing, being killed, as it were, in the very presence of his family. He was a good and brave man, and died in the defence of that cause, of which his son is still an ardent and eloquent supporter. Richard Cogdell too was shot at by the Tories, or British soldiers, while standing in his door, and the same door, pierced by the ball of the musket, is still swinging on its hinges, in the house of Wright Stanly, Esquire, of New Berne.

The reader will also observe the name of John Buttler on the list of the Hillsborough Committee. He was one of the outlawed Regulators, and adhering to the principles of his party, had now become an outlawed *Whig*. He was one of the Captains of Husband, at the Battle of Allemance, and his example alone is a sufficient vindication of the integrity of the Regulation.

† William Gaston and George E. Badger, Esquires.

late John Stanly, so celebrated for his great dexterity as an advocate at the bar, and as a debater in Congress, and in the legislature of the State, was the grandson of Richard Cogdell. Mr. Stanly was indeed a most extraordinary man ; — the generous and hospitable friend, the brave, enthusiastic, and eloquent defender of North Carolina, the high-minded, honest, and independent politician ;

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“ the best of the good ; —  
So simple in heart, so sublime in the rest,  
With all that Demosthenes wanted, endued ;  
His victor or rival in all he possessed.”



## CHAPTER VIII.

### THE NEW WHIG GOVERNMENT.

(CONTINUED.)

IN resuming the discussion of the proceedings of the Provincial Congress, I shall invite the attention of the reader to the military organization of the Province, which was one of the most important duties performed by that body, and the strictness of which is no indifferent testimony to the character of the people of North Carolina. When this convention adjourned, every military officer was appointed, and a thorough discipline instituted, and ordered, for the government and direction of the army. This was in September, 1775. Truly "no State was more fixed or forward."

On the 1st of September, the Congress took into consideration the arrangement of the military troops ordered in the Province, as part of, and on the same establishment with, the Continental army, and the appointment of officers to command the said troops. They divided the army thus proposed to be raised into two regiments, consisting of five hundred men, and ordered that four hundred of the first regiment should be stationed in the District of Wilmington, and that the remaining one hundred of the first, and the whole of the second regiment, should be equally distributed, to the Districts of New Berne, Salisbury, and Edenton.\*

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\* Journal of the Congress, printed, p. 17. MS. date September 5.

Proceeding to the election of officers, they chose the following gentlemen.

OFFICERS OF THE FIRST REGIMENT.

James Moore, *Colonel.*                      Thomas Clark, *Major.*  
Francis Nash, *Lt.-Colonel.*              William Williams, *Adjutant.*

*Captains.*

William Davis.	William Picket.	Henry Dickson.
Thomas Allen.	Robert Rowan.	George Davidson.
Alfred Moore.	John Walker.	William Green.
Caleb Grainger.		

*Lieutenants.*

John Lillington.	William Berryhill.	Hezekiah Rice.
Joshua Bowman.	Hector McNeill.	William Brandon.
Laurence Thompson.	Absalom Tatum.	William Hill.
Thomas Hogg.		

*Ensigns.*

Neill McAllister.	James Childs.	George Graham.
Maurice Moore, Jr.	Henry Niell.	Robert Rolston.
John Taylor.	Berryman Turner.	Henry Pope.
Howell Tatum.		

OFFICERS OF THE SECOND REGIMENT.

Robert Howe, *Colonel.*                      John Patten, *Major.*  
Alexander Martin, *Lt.-Colonel.*              Dr. John White, *1st Capt. & Adj.*

*Captains.*

James Blount.	John Armstrong.	Charles Crawford.
Hardy Murphrey.	Henry Irvin Toole.	Nathan Keais,
Simon Bright.	Michael Payne.	John Walker.

*Lieutenants.*

John Grainger.	Robert Smith.	John Herritage.
Clement Hall.	Edward Vail, Jr.	Joseph Tate.
William Fenner.	John Williams.	James Gee.
Benjamin Williams.		

*Ensigns.*

Henry Vipon.	Whitmell Pugh.	John Oliver.
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Philip Low.	William Gardner.	Benjamin Cleveland.
James Cook.	William Caswell.	Joseph Clinch.
John Woodhouse.		

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Dr. Isaac Guion, *Chirurgion to the First Regiment.*

Dr. William Partun, *Chirurgion to the Second.*

But independent of these two regiments, which constituted but a small portion of the military force of the Province, the Congress ordered the enlistment of six battalions of minute-men (one for each of the Districts), each battalion to consist of two companies of fifty men, and the field-officers to be recommended by the members from the several districts, and to be finally appointed by the Congress. The minute-men, when enlisted, were authorized to elect their Captains, Lieutenants, and Ensigns, and these officers, when elected, appointed their respective noncommissioned officers. When these battalions were thus regularly organized, they were reviewed by the County Committee, and, if approved by that sovereign power, certificates were granted to the Captains, and the date of these certificates determined the priority and rank of the Captains of the respective battalions. The details of the plan for the government of these companies would weary the patience of the reader, and, with a simple statement of the pay of the officers and soldiers, I shall record the names of the field-officers, elected by the Congress. A Colonel's pay was 14*s.* 3*d.*, per day, a Lieutenant Colonel's, 11*s.* 5*d.*, a Major's, 9*s.* 6*d.*, a Captain's, 5*s.* 8*d.*, a Lieutenant's, 3*s.* 9*d.*, an Ensign's, 2*s.* 10*d.*, a Sergeant's, 2*s.* 3*d.*, a Corporal's, a Drummer's, or a Fifer's, 2*s.*, a Private's, 1*s.* 10*d.*, and the Commissary was allowed 8*d.* per day for victualling each and every man.\*

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\* Journal of the Congress, printed, p. 25. MS. date September 7.

## FIELD-OFFICERS AND MINUTE-MEN.

Edward Vail, <i>Col.</i>	} <i>Edenton</i>	Nicholas Long, <i>Col.</i>	} <i>Halifax</i>
Andrew Knox, <i>Lt.-Col.</i>		Henry Irwin, <i>Lt.-Col.</i>	
Caleb Nash, <i>Major.</i>	} <i>Salisbury</i>	Jethro Sumner, <i>Major.</i>	} <i>Hillsborough</i>
Thomas Wade, <i>Col.</i>		James Thackson, <i>Col.</i>	
Adley Osborne, <i>Lt.-Col.</i>	} <i>New</i>	John Williams, <i>Lt.-Col.</i>	} <i>Wilmington</i>
Joseph Harden, <i>Major.</i>		James Moore, <i>Major.</i>	
Richard Caswell, <i>Col.</i>	} <i>Berne</i>	Alex. Lillington, <i>Col.</i>	} <i>District.</i>
William Bryan, <i>Lt.-Col.</i>		Robert Ellis, <i>Lt.-Col.</i>	
James Gorham, <i>Major.</i>		Samuel Swann, <i>Major.</i>	

Besides these battalions of minute-men, the Congress proceeded to institute a regular organization of the militia by the election of field-officers for each of the counties, and by the issuing of commissions to the officers elected. To the County Committees was entrusted the appointment of all subordinate officers, and this latter class were to be commissioned by the Provincial Council. The militia was organized upon the same act of Assembly, upon which it was based during the existence of the Royal government, and the Committees of Safety were empowered to order them out upon any sudden emergency, when the Council should not be in session. The field-officers of the militia were appointed on the 9th of September. A simple enumeration of names is a tedious task for the historian as well as the reader; but these militia officers were active and energetic in the prosecution of the war, and deserve a more extended notice, than the objects of this volume will permit. I shall, in an Appendix, present a general view of the military organization of the forces of the State, which will be found to contain a full and accurate list of the names of the several officers of the militia.

We now have three distinct and somewhat independent departments in the army of North Carolina. The two regiments organized on the Continental establishment

commanded by Colonels Howe and Moore, the six battalions of minute-men, and the forces of the militia. The troops of the two Continental regiments were denominated the Regulars, and their officers ranked above those of the minute-men, as those of the minute-men did above those of the militia. But a Colonel of the minute-men ranked above a Lieutenant-Colonel of the regulars, as did a Colonel of the militia above a Lieutenant-Colonel in the minute service. The minute-men were enlisted for six months; and a confinement for twenty-four hours, and a fine of fourteen days' pay, was prescribed by the Congress, as the highest punishment to which they could be subjected. The decisions of all courts-martial were liable to be reversed by the Council, to which body the convicted might appeal; and this feature in the military policy of the Province was, perhaps, its greatest weakness. The greatest security for the good discipline of an army is the arbitrary rule of war, that there is no appeal from the decree of the Commander-in-chief.

In the two continental regiments there were sixty-seven commissioned officers, one hundred and ninety-eight in the minute service, and twelve hundred and twenty-four in the militia, making an aggregate of fourteen hundred and eighty-nine military officers, commissioned by the authority of the Provincial Congress, at this early period of the struggle. But few of these commissions were resigned, and the many appointments, that were now made, doubtless strengthened the integrity of the Whig party, by binding more closely to their interest the relatives and friends of the officers. At this time, too, Governor Martin, who still hovered on the shores of the Cape Fear, in his floating palace, was busily engaged in endeavouring to

encourage the lukewarm Whigs, to adopt the Royal cause ; and one of his many expedients was, to enclose to such as he might suspect, military commissions and such other honors, as were calculated to effect his purpose. I have seen one of these vagrant commissions, issued by Martin, of date the 14th of December, 1775, to a gentleman who, in the latter part of this war, was said to have been a staunch Whig. But the possession of them was always looked upon as the premonitory symptom of tergiversation and treason.

Among other important objects of consideration, which came before this Congress, that of the public funds deserves to be attentively examined. Richard Caswell was chairman of the Committee of Ways and Means, and in his reports assumed the principle, that the people represented in the Congress constituted the State, and not the Whig party. In previous Congresses, the assessment of taxes on the people generally, was not resorted to as a means of public credit, nor did those bodies pretend to a representation of any other class, than those friendly to the American cause. While Governor Martin continued in the palace, surrounded by his Council, the shadow of a government was before the people ; and the humble right to assemble, to petition and remonstrate, was the essential principle of the first Provincial Congress. After his expulsion from the head-quarters of his government, the dispersion of his councillors, and the total annihilation of his authority, the Whig party began to feel its strength and importance, and now to usurp or assume the power of controlling and directing the State.

On the 29th of August, Mr. Caswell submitted a report on the state of the public funds, embracing two points,

which will serve to exhibit the resources, which were inherited from the Royal government. The first was, that there was a large amount of public money in the hands of sundry sheriffs, which had been collected under the existence of the late government, and the payment of which he recommended should be immediately enforced. The other point was, that considerable sums had been collected by the officers of the late government, under the famous acts of 1748 and 1754, laying certain duties for the redemption of the old bills; and these he recommended should be returned to the persons from whom they were collected, or else allowed in any subsequent payment of taxes. The popular House of the Assembly had repealed the abovementioned acts, as far as they could, by their own votes, in two several sessions; and this report of Caswell's, by ordering the return of the taxes collected under their operation, virtually assumed the principle that the Congress was the legitimate descendant of that department of the Royal government.

On the 7th of September, the chairman of the Committee of Ways and Means reported, that it was expedient to issue, on the faith of the Province, a sum not exceeding \$125,000, in bills of credit, and with the report submitted the form of these bills, which was as follows :

“ North Carolina Currency.

“ No. 178. Three Dollars.

“ This bill entitles the bearer to receive three Spanish milled dollars, or the value thereof in gold and silver, according to a resolution of the Provincial Congress, held at Hillsborough, August 21st, 1775.”

I have in my possession the bill above described. It is adorned in the margin with a Masonic Emblem, and signed by Richard Caswell, Samuel Johnston, Andrew

Knox, and Richard Cogdell, who were authorized to superintend the stamping of the plate, and to sign them and deliver them over to the two Treasurers of the State. For the redemption of the bills thus issued, a poll-tax of two shillings was laid, to commence from the year 1777, and to continue nine years; and whosoever refused to receive these public bills of credit, thus secured, was denounced by a resolution of the Congress as an enemy to his country. Death was prescribed as the penalty for counterfeiting; but the wisdom of the House forbade the Committees of Safety, before whom the accused was first to be tried, the infliction of the punishment, and instructed them in the event of his conviction before them, to remand him to prison, "until a convenient power should be established for hearing and determining the matter, agreeably to the constitutional mode heretofore used in all capital cases."

The salutary rule of exacting bond, with good and sufficient security (in the sum of £10,000), was applied in this case; and the four gentlemen appointed to superintend the emission of the bills accordingly entered into proper bonds, and took a most solemn oath (prescribed by the Congress) faithfully to execute the high and honorable duty entrusted to them. On the 8th of September, Samuel Johnston was elected treasurer for the Northern, and Richard Caswell for the Southern District; and these two gentlemen again entered into bonds of £50,000 each, proclamation money, to the Provincial Council, for the faithful performance of the duties of their offices. On the election of Mr. Caswell as treasurer, he resigned his seat in the Continental Congress, and was succeeded by John Penn, one of the members from the



county of Granville. Mr. Penn was, as even Mr. Jefferson admits, a staunch Whig. He was also a man of sterling integrity as a private citizen, and well deserved the honor which was now conferred upon him. The delegation from North Carolina in the Continental Congress, as now organized, continued the same, until the period of the National Declaration of Independence.

On the 4th of September, the Congress resolved itself into a committee of the whole, the Rev. Mr. Patillo in the chair, to take into consideration a paper, purporting to be a confederation of the United Colonies, and, after much debate, determined to instruct their delegates not to consent to any plan of confederation, and that the then association ought to be further relied on, as a means of adjusting the difficulties with the parent State. There were many objections to a change of the principles of the union of the colonies, which had been adopted by the association, for any other system, although it might be even a more perfect union. The stability of the Whig party in North Carolina depended, in a great measure, on the circumstance that the paper called the "Association," had been extensively circulated among the people, and, like the Cumberland or Tryon Association, signed by them individually. In the counties more or less affected with Troyism, this had proved a most salutary practice, and had contributed to forestall the machinations and intrigues of Governor Martin and his party. The public mind was settled on the principles of the identical Association, and the wisdom of the Congress prudently determined there to let it rest.

On the 2d of September, the ceremony of returning the thanks of the Convention to the delegates in the Continen-

tal Congress, for their patriotic and faithful discharge of the important trust reposed in them, was performed by the President ; and I here record the two addresses, on the occasion, not only as elegant compositions of the kind, but as the highest evidence of the patriotism of the delegates. The President rose in his seat and addressed them as follows :

“ GENTLEMEN,

“ The honorable and patriotic conduct you have pursued in the discharge of the high and important trust, unanimously committed to you, with the most unlimited confidence, by the late convention of this Province, has justified and done honor to their choice, and now calls forth the grateful thanks, of your fellow citizens, which thanks, in order that the most honorable testimony of your conduct may be transmitted to posterity, the Congress have commanded me to deliver in this place.

“ I do accordingly with the greatest pleasure return you the thanks of this Congress in behalf of their constituents, for the manly, spirited, and patriotic discharge of your duty, as delegates representing this Province in the grand Continental Congress at Philadelphia.”

To which the delegates returned the following answer :

“ We, the Delegates of this Province, to whom our fellow citizens thought fit to consign, with the most unlimited confidence, the great and important charge of representing them in the late Continental Congress, beg leave to express our most sincere thanks for the honorable testimony, which through you they have thought fit to render, of our services in that capacity. With hearts warmed with a zealous love of liberty and desirous of a reconciliation with the parent state, upon terms just and constitutional, we flattered ourselves that the integrity of our motives would plead an excuse for our want of abilities, and that in the candor and charity of our constituents, our well-meant, however feeble, endeavours would find their apology. Our expectations are more than answered ; and this public approbation of our conduct, the greatest reward a subject can receive or a people bestow, will stimulate us, whether in private or public life our lot shall be cast, to imitate the virtues of our patriotic fellow citizens, and to be distinguished by our usefulness in society, as we have this day been by the honors with which

they have marked our former endeavours. While our hearts overflow with gratitude to this respectable Assembly, we cannot omit to offer our best acknowledgments to you, honored Sir, for the polite manner in which you have been pleased to convey to us the sense of this House, and to congratulate them, that their councils are conducted under the auspices of a character so justly esteemed, and which adds dignity to the seat in which it presides."

Immediately after the delivery of these speeches, which, the reader will observe, was before the resignation of Caswell, Messrs. Hooper, Caswell, and Hewes were re-elected delegates, and invested with the same powers, which were conferred on them at their first appointment.

It was during the session of this Congress, on the 8th of September, that the "Address to the Inhabitants of the British Empire," a paper of much celebrity in its day, was unanimously adopted and published as the declaration of the people of the Province. It was the composition of William Hooper, who reported it as the chairman of a committee, consisting of Maurice Moore, Robert Howe, Richard Caswell, and Joseph Hewes. After reciting the rights of the Colonies, and disclaiming all idea or desire of independence, or a total separation from the mother country, the paper proceeds as follows :

"We again declare, and we invoke that Almighty Being who searches the recesses of the human heart, and knows our most secret intentions, that it is our most earnest wish and prayer to be restored with the other United Colonies, to the state in which we and they were placed before the year 1763, disposed to glance over any regulations which Britain had made previous to this, and which seem to be injurious and oppressive to these Colonies, hoping that, at some future day, she will benignly interpose and remove from us every cause of complaint. Whenever we have departed from the forms of the Constitution, our own safety and self-preservation have dictated the expedient ; and if, in any instance, we have assumed powers which the laws invest in the sovereign or his representatives, it has only been in defence of our persons, properties, and those rights, which

God and the Constitution have made unalienably ours. As soon as the causes of our fears and apprehensions are removed, with joy will we return these powers to their regular channels, and such institutions, formed from mere necessity, shall end with that necessity which created them."

This address was extensively circulated throughout the Province, and, containing many expressions of devotion to the House of Hanover, was not without effect on the undecided portion of the people. It penetrated every hut of the Highlanders, and was read by the leading Whigs, to their doubting and more timid neighbours, as containing nothing to which a loyal and honest British subject could object. All these state-papers were composed under the supervision of committees, and the import of each word carefully weighed, before it was laid before the Congress. In this, a proper degree of respect for the opinions and rights of the loyalists is strictly maintained, and, at the same time, the parts which I have extracted distinctly disclose the only means of adjusting the controversy, viz. the restoration of the United Colonies "to the state in which they were placed before the year 1763."

On Sunday, the 10th of September, the Congress proceeded to take into consideration the encouragement of manufactures, and resolved to bestow bounties on the manufacture of gunpowder, saltpetre, and all other "enablements unto the military establishment." Cotton and woolen cards, pins, iron, steel, paper, and a variety of other articles were encouraged; and, after the performance of the duty of returning thanks to the President for his able and impartial discharge of the duties of his station, the Congress adjourned.

## CHAPTER IX.

### THE NEW WHIG GOVERNMENT.

(CONTINUED.)

THE Continental Congress assembled on the 13th of September, and in this body the Province of Georgia appeared, and thus completed the list of the Thirteen United Colonies. The affairs of North Carolina were frequently before the Congress, and her exception out of the operation of the act of Parliament, restraining the trade of the colonies, was first acted on, and her people implored to forbear from the advantages which were thus offered. I have already explained the true reason of that exception, by the introduction of a letter of Alexander Elmsly, the agent of the popular House of the Assembly at London. In North Carolina, the benefits of the act were of course unavoidable. It was an act of oppression, out of which she was excepted, and the process of "forbearing to avail themselves of its advantages," was an extremity, to which neither patriotism nor prudence should have induced her people to go. The path of duty was, to embrace both that and every other opportunity, to grow in prosperity and strength, that she might be the better prepared for the struggle, which she plainly saw so rapidly approaching. It was spurned as a bribe, and she exercised it as a right.

The Continental Congress, however, as if to honor North Carolina by similar privileges, directed her to ex-

port to the Island of Bermuda, sixteen thousand bushels of corn, and four hundred and sixty-eight bushels of peas and beans. In connexion with Maryland and Virginia, she was likewise permitted to export her produce to any part of the world, except Great Britain and her dominions, and to import salt; and these privileges too she accepted, and exercised, not as a bribe, but as a right. The emissions of bills of credit, by the Congress, to the amount of three millions of dollars, was the most substantial favor rendered to North Carolina; and the support which that amount afforded to the American cause, was better calculated to attach the sympathies of the people to the Continental Congress, than the superfluous conferring of indisputable and undoubted privileges.

The two regiments, commanded by Colonels Howe and Moore, were received by the Congress on the Continental establishment, and ordered to the defence of North Carolina and the adjacent States. The efforts of the Congress to advance the Whig interest of North Carolina were exerted with great advantage, by the employment of two Presbyterian ministers of Philadelphia, to visit their less faithful brethren in the South, and to endeavour to persuade them to abandon the cause of the Royal government. Some time previous to this, the ministers of that denomination in Philadelphia, who belonged to the Whig party, appealed to the patriotism of their brethren in North Carolina, by the publication of a letter of advice and expostulation; and failing in that means of conversion, they now determined, under the sanction of the Continental Congress, to visit them in person. The Presbyterians of North Carolina, who were loyalists, were generally of the Highland clans; and many of the staunchest Whigs, in the

western part of the State, were pious adherents of that extensive and respectable denomination.

I shall now proceed to notice the proceedings of the Provincial Council, and shall, in as short a space as possible, conduct the reader to the period of its existence. In the course of my details, I shall wander several months in the year 1776; but shall return to record some of the events, which took place towards the close of the year 1775.

The Provincial Council held its first session on the 18th day of October, 1775, in the Court-House of the county of Johnston. Cornelius Harnett, Esquire, of Wilmington, was elected President, and James Green, Jun., appointed clerk. The principal business before them was entirely of a warlike nature. The vigilant County Committees seem to have aroused the whole population of the Province, and to have infused into the minds of the young and the aged, the desire of war. The journal of this, unlike that of the Royal Council, presents a series of petitions and demands not for land warrants or pecuniary claims, but for ammunition, fire-arms, swords, and other warlike implements. Appointments of paymasters and appropriations for military service had become more the fashion of the day, than the appointment of trustees and appropriations for land surveys. It is difficult to estimate the military spirit of that day. The numerous applications for military commissions which were every day laid before the Council, and the constant appeals to their encouragement and patronage, by volunteer bands of Whigs under the command of some ardent spirit, soon gave the Council the opportunity to exercise their authority in the usual objects of government, as well

as in the organization of a military force. It was essentially the supreme authority of the Province, and was advancing daily in the acquisition of strength, until its dissolution by the Provincial Congress of the succeeding spring.

The power and authority of this executive of the new government, — neither correctly defined, nor accurately understood, — executed whatever in its opinion was of service to the common cause, and approved of the apprehension and confinement of Tories, as one of the most useful occupations of the guardians of the people. They acted as supervisors of the political principles of the province, and chastised the obstinate or persuaded the timid into a support of the American cause. It is impossible, in a work like this, to record even an analysis of the copious proceedings of the Council, or to give a more accurate definition of their powers, than is conveyed in the appellation of the Executive of the acts of the Provincial Congress and of their own determinations. They corresponded with the Committees of Correspondence, conferred with the District Committees of Safety, with the County Committees, and with all other persons favorably disposed towards the common cause, and executed or not at their pleasure the designs of their several bodies.

On the 22d of October, 1775, intelligence of serious discontents among the people of the County of New Hanover was received, and this calamity was charitably ascribed to the misrepresentations of the Governor's party. The people had assembled in a large body, and publicly protested against the proceedings of the late Congress as beyond the limit of a peaceable mode of redress, and as of a character decidedly revolutionary, or rebellious.



The Council highly disapproved of such conduct as tending to create dissensions to the prejudice of American liberty, and instructed John Ashe, Samuel Ashe, and Mr. President Harnett, to explain the proceedings of the Congress to the people, and to endeavour by argument and persuasion to maintain that harmony, so essential to the preservation of the rights of the Province. These emissaries of freedom soon contrived to restore order, and to infuse zeal, wherever they went; and the discontented people of New Hanover soon yielded to the influence of their three leaders, and returned to the support of the common cause.

The second Provincial Council was held again at the Court-House of Johnston on the 18th of December, 1775, and Cornelius Harnett, as President, was again at his post. On the second day of its session, the Sheriff of Halifax, Mr. Branch, presented himself to the Council, and prayed condign punishment on two Tories, whom he had caught in the course of his official excursions. Walter Lamb and George Massinbird were the names of the two persons in his custody, and the "judgment of the Council was, that Mr. Branch should keep in his custody the said Lamb, and remand him for trial before the Committee of Safety for Halifax district." The other, George Massinbird, played the penitent, and, after taking an oath satisfactory to the Council, was discharged. The Council during its second session discovered the cause of the great discontents in the Cape Fear country, in the influence and industry of Governor Martin and the officers of the Cruiser, who, by proclamations and spies, contrived to disseminate their odious doctrines, and, by promises of high favor and offices, had produced dissatisfaction even among the

Whigs. The Provincial Congress had been represented as an assemblage of turbulent agitators, intent on public plunder, and regardless or insensible of the rights of man. The County Committees, those engines of revolution, were censured as a tyrannical, self-constituted junto, composed of violent and unprincipled men, whose only object, in the overthrow of the government, was to usurp the absolute authority of tyrants. Such were the schemes of Governor Martin, concerted in the state-room of a ship of war, and circulated among the people of the surrounding country. His floating residence was however guarded by a detachment of Whigs, and his Excellency, now restricted in his movements to dangerous aquatic excursions, was unable to effect any material changes in public opinion, without the agency of spies and secret communications. The Council recommended to the Committees of Wilmington and Brunswick, and to the commanding officers of the detachment, to cut off all manner of personal communication between the ship and the shore, and that all letters to or from "Governor Martin, or the ship of war," should be opened, and their contents observed. Obedience to this efficient advice, and a determination to cut off all supplies of provisions from the shore, soon exhausted the strength of the Governor and his fleet, and thus healed in a measure the dissensions of the people. The prejudice against the measures concerted for the defence of American freedom was dispelled, and the people of New Hanover returned in a body to the support of the cause of the Provincial Congress, and the cause of the people.

On the 21st of December, the Council, in anticipation of an invasion, appointed Committees in each district to attend to the state of the *arms* and other warlike imple-

ments, and with authority to purchase up all such materials. On the same day it was resolved to raise two battalions of minute men in the district of Salisbury, and the following officers were appointed to the command of them.

Griffith Rutherford, *Colonel*  
John Phifer, *Lieut.-Colonel*  
John Paisly, *Major* } of the *First Battalion*,

Thomas Polk, *Colonel*  
Adam Alexander, *Lieut.-Colonel*  
Charles Maclaine, *Major* } of the *Second Battalion*.

It will be seen from such proceedings how vigilant was the Council in guarding, not only the integrity of the Whig party, but the safety of the people, from invasion and domestic war. Their vigilance appears on every page of their journal; but nowhere so conspicuously as on the 24th of December, the last day of their session.

They recommended to the several town and county committees in the Province to furnish the captains of all military companies with copies of the *Test*, that it be presented to the men under their command for their approbation, and that a list of all such as shall refuse or neglect to sign the same, should be forwarded to the Council at their next meeting. It was then resolved, that no person should be entitled to any benefit or relief against any debtor as directed by the Provincial Congress, unless such person should at least ten days previously to application have subscribed the Continental Association and the *Test*, as recommended by the Provincial Congress. The Whig party, thus rigidly disciplined, speedily subdued their weaker and less numerous enemy, and was soon prepared to insult the majesty of the Throne. An invariable enforcement of the decrees of their constituted authorities inspired a spirit of confidence

among their friends, and of despair among their enemies ; and to both of these circumstances must we attribute the many chivalrous deeds, which distinguished that age. In every section of the Province, the fury of the contest was raging, and public duty and public virtue persuaded the Whigs to a violent abuse of the persons of the Tories, and not unfrequently to the commission of a bloodier tragedy. The inducements to abandon the Tory party at this day were too numerous and too lucrative to be resisted, except by those who were attached to old England by the most endearing recollections ; and accordingly we find the spirit of Toryism more submissive, at this, than at a more subsequent and doubtful period of the contest. The King had no army in North Carolina, the Governor for the want of protection had absconded from his palace, and the authority of Mr. President Harnett and his Council was physically supreme. Under these circumstances, the Highlanders from Scotland were almost alone in their devotion to the authority of the Governor, and even many of these found it convenient (to escape their debts, as their countrymen said), to espouse the Whig cause, and to sustain it throughout the war.

The third Provincial Council assembled in New Berne, by request of the President, on the 28th of February, 1776. The Continental Congress having recommended to the southern colonies to appoint committees to meet at Charleston, to ascertain the means of defence against invasion, President Harnett had called together the Council at an earlier period than was proposed, to despatch the proper number of delegates. Abner Nash and John Kinchen were appointed on the part of North Carolina, and instructed to repair to Charleston without delay.

I shall extract from the Journal of this session one incident, which will show the nature of the business principally transacted by the Council. — March 2d, 1776. William Bourk, being charged with being inimical to the liberties of America, was brought before this Council, when Mr. John Strange appeared as a witness, who, first being sworn,

“Deposeth, and saith that last night, he heard the said William Bourk express himself in the following manner, viz. ‘That we should all be subdued by the month of May by the King’s troops, that General Gage deserved to be damned because he had not let the guards out to Bunker Hill, and it would have settled the dispute at that time. That there were forty-seven thousand troops expected soon to America, and it would be in vain to pretend to defend ourselves against them.’ All which the said William Bourk acknowledged, and further said, ‘he wished the time would happen this instant, but was sure the Americans would be subdued by the month of August’; whereupon it was Resolved, That the said William Bourk be sent to the Town of Halifax and committed to close goal, there to remain until further orders.”

It had been proposed by the Continental Congress, that the Committee of Safety of Virginia and the Provincial Council of North Carolina should meet together and confer on their mutual interest; and Thomas Jones, Samuel Johnston, and Thomas Person were appointed to represent the Council on such an occasion. This was another mode of communication between the Colonies, which contributed its share to unite the sympathies of the Whigs in every section of the country, and which paved the way to such an unanimous action among them, on other succeeding and more important points. In this Council, it was resolved to disarm all suspected persons; and this hazardous duty was entrusted to the county committees. The execution of such a task was of course

attended with much strife and bloodshed, and not to be justified on any other principles than those of war. It was the signal for rapine and plunder, as well as for arms; and many a loyal and dutiful subject of the King surrendered his principles, rather than his property, and became a loud and clamorous Whig. It was a glorious field for the display of personal courage, and for the achievement of daring deeds. In these petty battles, the magnanimity and gallantry of the gentleman of honor were often invoked for the protection of beauty and timid virtue; and many a damsel was shielded from violence by the chivalry of a single officer of generosity and valor.\*

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\* The reader is again reminded, that in discussing the proceedings of the Congress or the Council, the dates in the text are citations of authorities from the manuscript Journals in the State Department of North Carolina,

## CHAPTER X.

### THE NEW WHIG GOVERNMENT.

(CONTINUED.)

During the latter part of the year 1775, a numerous Colony of Scotch Highlanders, coming directly from the mother country, reinforced the party of Governor Martin on the shores of the Cape Fear. The heads of these clans, having suffered by their faithful adherence to the cause of the Pretender, and, while in Scotland, having lived in continued awe of the reigning sovereign, had now fled or migrated to North Carolina, in search of that profound peace, which the extent and solitude of her forests seemed to ensure. Their guilty apprehensions and alarms were subjected to the cunning and craft of Governor Martin, who preyed upon their feelings by threats of punishment for their former transgressions, and by misrepresentations of the character and strength of the Whigs. This argument he had used with success in his intrigues with the more ignorant of the Regulators of Orange, Anson, and Guilford ; and these people, thus operated on by the same feeling with the Highlanders, associated and coöperated with them, and now began to prepare to fight under their leaders. The banks of the Cape Fear and the valleys of its remote sources, the Deep and Haw rivers flowing through the present counties of Moore, Orange, Chatham, Guilford, and Randolph, comprising the very heart of the

Province, were overrun with this species of population; and the residence of Governor Martin, at the mouth of the river, enabled him to encourage them by the success of his intrigues and the constant assurance of succour and reward from the Throne. Confidence was inspired by the hourly expectation of Sir Henry Clinton at Wilmington with a powerful naval and military armament; and rumors were also afloat that Sir Peter Parker and Lord Cornwallis had sailed from Portsmouth, at the head of a large and well disciplined army, intended for the subjugation of the Southern Provinces. Thus were the Tories animated and encouraged by hopes of foreign aid, to assist in the conquest of a land, which they had adopted as a home for themselves and their posterity.

But while the southern part of North Carolina was thus disturbed, the shores of the Albemarle contiguous to Virginia were threatened with an invasion from Lord Dunmore, whose emissaries were discovered in the vicinity of Edenton, endeavouring to enlist the negroes and the few Tories residing in that section of the Province. The efforts of his Lordship had been instigated by Sir Henry Clinton, who was loitering on his way towards the headquarters of Governor Martin, where he had determined to await the arrival of the armament of Sir Peter Parker. It was one part of his military policy to attack the Province, both at the north and the south; and from the coöperation of Dunmore in the first, and the Highland Tories in the second, victory was confidently expected. But Colonel Robert Howe was at his post at Edenton, in which place a detachment of his regiment was stationed.

On November 7th, Lord Dunmore issued a proclamation from Norfolk, at which place he had collected a



large army of the lower order of whites and negroes, in which he proclaimed martial law\* and offered freedom to the indentured apprentices and slaves of the country. Thus abetted, he acquired an entire ascendancy in the vicinity of that ancient Borough, and the intelligence of his strength and growing influence extended into the territory of the adjacent State. Colonel Howe at the head of his troops marched into Virginia about the 1st of December, and joined Colonel Woodford of Williamsburg, at the head of about two hundred minute-men and a detachment of regulars, at the Great Bridge about the time of the battle at that place, on the 9th of December. His Lordship, on gaining intelligence of their approach, established himself on a piece of high land surrounded by a marsh, on the north side of the Elizabeth River at the Great Bridge, which the two armies were obliged to cross, to reach Norfolk. The Provincial Army encamped within gun shot of this post, and, although without artillery, prepared to maintain their stand. While the opposing armies were thus arrayed, eager and anxious for battle, on the 9th of December, Captain Fordyce, the commanding officer of Lord Dunmore's post, advanced to storm the works of the Provincials. Between day-break and sun-rise at the head of sixty grenadiers, he advanced with fixed bayonets, on the narrow causeway leading from the post, and sustained with wonderful intrepidity the heavy front and flank fire of the American army. The victory was fiercely disputed by Captain Fordyce and his grenadiers, who were slaughtered to a man immediately before the breastwork of the

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\* Marshall, Vol. I. p. 68. I quote from the abridged Life of Washington.

Provincials. On the night of the 10th, the British post was abandoned, and the Provincial Army, under the exclusive command \* of Colonel Howe, marched to Norfolk, and there forced Lord Dunmore, after the fashion of the North Carolina Royal Governor, to take refuge in a ship of war.

(1776.) Colonel Howe fixed himself in the abandoned quarters of his routed rival, and vigilantly watched the movements of the ships of war, that floated directly off the town. He occasionally amused the soldiers by firing into the vessels from the houses nearest the water, and Lord Dunmore, irritated by this harassing system of warfare, on the 1st of January, 1776, landed a detachment of troops under a heavy cannonade, and set fire to the buildings on the wharves. The Provincial troops, entertaining strong prejudices against the station, in consequence of the reputed influence of Lord Dunmore among a majority of the people, made no effort to extinguish the flames, and the best authority of the day records the circumstance, that the fire "continued for several weeks." †

In the midst of these troubles, Colonel Howe waited on the proper authority of Virginia, and urged the propriety of burning down the remaining part of the city of Norfolk ; and, although this was one of those "ill-judged measures of which the consequences are felt long after the motives are forgotten," ‡ still it is my duty to illustrate the conduct of Colonel Howe, by an examination of the reasons which justified him in suggesting, and the Convention of Virginia in ordering, the destruction of the town.

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\* Marshall's Life of Washington, Vol. I. p. 69. † Ibid. ‡ Ibid.

The strong hold which Dunmore had contrived to get on the sympathies of the lower order of the people in that part of the State, and the perfect facility of enlisting negroes as soldiers, rendered the constant presence of an efficient military force indispensable for the safety of the Whig cause. The convenient quarters afforded him in elegant edifices of the Borough, as well as its great convenience as a military and naval depot, rendered it equally indispensable, that it should be destroyed, if this strong military force could not be maintained. The advantages derived by the common enemy of the country from the possession of the Borough, aided and abetted by the sympathies of so many of the people, were too great to save the remainder of a small town, which had been already on fire "for several weeks"; and Colonel Howe and the Virginia Convention prudently determined to lay waste the strong-hold of Dunmore, as one of the greatest services they could render the American cause.

The courage and sagacity of Colonel Howe have never been questioned, and are well sustained by this single "ill-judged measure," of which the motives seem to be forgotten, long after its consequences have ceased to be felt. His troops alone protected the town, and kept in subjection the Tories and negroes of the surrounding country; and, as his own country was now actually invaded by a foreign army, a higher obligation than he could possibly owe Virginia, would soon call him away to the defence of his own fireside. Colonel Woodford, according to Mr. Wirt, proceeded to Norfolk under Colonel Howe, who brought with him from North Carolina five or six hundred men, and into whose hands was committed the preservation of Virginia, and the defeat of the schemes

of Lord Dunmore. Thus situated, compelled himself to return to the Cape Fear, and seeing no prospect of leaving behind him an efficient military force for the permanent security of the advantage he had gained, Colonel Howe determined to leave to Lord Dunmore nothing but the ashes of his former magnificent head-quarters. Thus were the black and white adherents of the Royal cause in Virginia intimidated and subdued, and the threatened invasion of the Albemarle shores by Lord Dunmore averted. Howe carried the war into the enemy's camp, and, before even his schemes of invasion and warfare were concerted, was thundering at the gates of Norfolk.

In North Carolina, tradition bestows on Colonel Howe and his troops the chief merit of having gained the advantages over Lord Dunmore which I have described; and the Convention of Virginia and the Congress of North Carolina both justify and support his claims to such a distinction. The pages of Wirt and Marshall allude to him in distant and not the most respectful terms; \* but the voice of history is often but the echo of pride and prejudice, and I shall here present a contemporary record of the high opinion of his services, taken from the Journal of the Congress of North Carolina in April, 1776. On the 27th of April, it was resolved that the thanks of the Congress should be returned to Brigadier-General Howe, for his manly, generous, and warlike conduct, and more especially for the reputation which our Provincial troops acquired under him at the conflagration of Norfolk. Accordingly on the 2d of May, General Howe being present in the Congress, the President rose in his seat and thus addressed him.

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\* Wirt's Life of Patrick Henry, pp. 188, 196, 197.

“ Brigadier General Howe,

“ Sir,

“ I am commanded by the Congress to return you their thanks for your manly, generous, and warlike conduct in these unhappy times, more especially for the reputation our troops acquired under your command. I now with infinite pleasure to myself, in compliance with that command, return you the thanks of this House, for the important services rendered by you to the common cause, and in particular for your manly and officerlike exertions, during the whole of the late important and critical campaign.”

To which the General returned the following answer :

“ Mr. President.

“ As I have no wish so ardent, no ambition so strong, as that of serving the noble cause to which I have devoted myself, how happy must it make me, when, to the pleasing consciousness of having endeavoured to do my duty, you so politely add the approbation of my country. It is an heartfelt and honorable testimony, that my efforts have not been wholly unsuccessful; and my felicity upon this occasion can only be increased by considering, that I have this public opportunity of expressing the obligations I feel to be due to those officers and men of every corps under my command, whose ready acceptance and whose spirited execution of the orders issued, have obtained me the distinguishing honors of this day. Permit me, Sir, through you to assure the honorable Convention, that I have the most grateful sense of their favor, and that I conceive the best return I can make is with zeal and activity to pursue the dictates of my duty, in which resolution I cannot but persevere, as the good of my country is the end I aim at, and its applause the consequence and reward of promoting it. Accept, Sir, my thanks for the manner in which you have so obligingly conveyed to me the sense of your honorable House.”

I must now return to the military operations in the southern part of North Carolina, and observe the warlike preparations of the Whigs and Highland Tories immediately preceding the celebrated battle of Moore's Creek. With a view of coöperating with Sir Henry Clinton as soon as he should arrive, Governor Martin had not only employed energetic emissaries to arouse the Tory popu-

lation to arms, but had issued a commission of Brigadier-General to Donald McDonald, the most influential chief of the Highlanders, which he accompanied with a Proclamation, commanding all the King's subjects to rally around the standard of the new Scotch general. The paper was without a date, and the period of its publication left to the discretion of McDonald. On the 1st of February the Royal standard was erected at Cross Creek, the proclamation published, and fifteen hundred men mustered under the command of General McDonald.

In the midst of these preparations of the Tories, Colonel Moore, at the head of his Continental Regiment, and a detachment of the New Hanover Militia, marched towards Cross Creek (now Fayetteville), and pitched his camp on Rock Fish River, about twelve miles south of the head-quarters of McDonald. He fortified his camp, established a system of running scouts and spies, and thus prevented all communication between the Tories and the head-quarters of Governor Martin. In the mean time the Whigs of Wilmington and Brunswick were active and vigilant ; and, intent on the same general object of preventing the junction of the two forces, Colonels Caswell and Alexander Lillington had established themselves on the bank of Moore's Creek near its entrance into South River in New Hanover. This army comprised about a thousand men, consisting of the militia companies, and two volunteer corps, under the command of Colonel Lillington, which were said to have been the best disciplined soldiers in the Province. A rigid espionage was established throughout all the adjacent country, and every opportunity of intercourse between Governor Martin and General McDonald effectually destroyed.

The first movement of General McDonald was towards Colonel Moore. Halting within a few miles of his camp, he addressed him a letter (dated on the 20th of February), accompanying the Proclamation of the Governor and his own Manifesto, in which he urged the Colonel to espouse the cause of his Sovereign and the Constitution. It was a decided but friendly letter, and commenced by bewailing the difficulty of his situation ; urged on by his duty to the King to the necessity of shedding blood, and yet humanely disposed to avoid, if possible, so fatal a catastrophe. He offered to the Colonel, his officers, and his men, in the name of the King, a free pardon and indemnity for all past transgressions, if they would lay down their arms and take the oath of allegiance, and implored them to accept these terms, — “ otherwise, he should consider them as traitors to the Constitution, and take the necessary steps to conquer and subdue them.”

Colonel Moore availed himself of a privilege of several days to consider and weigh in his mind the contents of the letter ; and embraced this opportunity of gaining a thorough insight into the arrangement and strength of the enemy’s army. He delayed an answer until he could no longer do so, and then he replied in a letter, \* that he and his followers were engaged in a cause, the most glorious and honorable in the world, — the defence of the rights of mankind, and that they needed no pardon. He inclosed the General a copy of the Test required by the Provincial Congress, and invited him and his officers to sign it, and then to lay down their arms ; otherwise, he might expect that treatment with which he had been pleased to threaten him and his followers.

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\* I have seen these letters in print as well as manuscript.

But while this parley was going on between the two belligerents, intelligence was received at the camp of McDonald of the arrival of Sir Henry Clinton and Lord William Campbell at the head-quarters of Governor Martin, with a considerable force intended for the reduction of North Carolina. The Scotch General was now intent on joining the army of Clinton, and endeavoured in every way to avoid an engagement with Colonel Moore, whose ranks had been daily swelled by the arrival of numerous bodies of militia. McDonald at last sagaciously determined to shun at every hazard an engagement with his adversary, and accordingly decamped at midnight, and by rapid marches contrived to elude the vigilant pursuit of Colonel Moore. The retreating army crossed the Cape Fear, and directed its course towards Wilmington, intending to leave that place to the south, and approach the British station, which was near the mouth of the river, by clinging to the seashore, and thus escaping the Provincial troops in and about the town of Brunswick.

On the night of the second day's march, General McDonald pitched his camp on the banks of South River; and, crossing from Bladen into New Hanover County on the next day, he suddenly came upon the encampments of Colonels Lillington and Caswell, upon the east side of Moore's Creek, a small stream that flows from north to south, and empties into the South River about twenty miles above Wilmington. The situation of the Scotch General, with the army of Colonel Moore in rapid pursuit and the forces of Colonels Lillington and Caswell in front, was too critical for delay; and, although he himself was confined with sickness, an engagement was determined on under the immediate command of Colonel McLeod.



The camps of the belligerents were divided only by the small stream, which was crossed by a bridge; and, on the night of the 11th of March before the battle, the camp of Colonel Lillington was visited by one Felix Kenan,\* an irresolute character, who had not the independence to be a Tory or the honesty to be a Whig, and from this individual the intelligence was received, that an attack was to be made early the ensuing morning. Colonel Lillington drew up his forces across a peninsula, formed by the creek, which commanded both the road and the bridge; and, owing to this arrangement of his troops, which was singularly advantageous, Colonel Caswell was, for want of room, compelled to form in his rear. In the course of the night preceding the battle, Colonel Lillington ordered the planks to be taken from the bridge, and, keeping his men constantly under arms, awaited the approach of the enemy.

At break of day the forces of the Scotch General were in motion, and with a steady march approached the verge of the stream, when the fire on both sides commenced, and Colonel McLeod charging furiously on the bridge, fell in the very commencement of the engagement. His officers following on, the bridge again proved a fatal spot. Their ranks were thrown into confusion not only by the death of their officers, but by the absence of the planks of the bridge; and Colonel Lillington, availing himself of this discomfiture, charged across the stream and engaged the very heart of the enemy's ranks. The contest was even now fiercely waged. Many of the Scotch fought around the camp of their sick General with wonderful intrepidity, and yielded him up a prisoner,

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\* This fact I obtained from a letter of Governor Ashe.

only after every means of defence was exhausted. In the mean time Colonel Caswell, who had occupied the rear ground of Colonel Lillington, having crossed the creek, charged heavily on the ranks of the enemy, and with his aid the whole Royal army was routed, and the men flying in every direction were pursued, and many of them made prisoners. Thus terminated the battle of Moore's Creek, one of the most fortunate victories in the annals of the Revolution. The predictions and the hopes of Governor Martin were disappointed; the unanimity of the Scotch population was broken; the Tories were disheartened, and the Whigs inspired with confidence and enthusiasm. To Colonel Lillington I have ascribed the honors of the day, and have done so upon the evidence of the few living Patriarchs of North Carolina. He was the junior of Colonel Caswell in rank, but from the position of the latter it was impossible for him to share in the earlier labor of the day. Colonel Lillington was a native of North Carolina, and deserves to be remembered as one of the earliest and most efficient Whigs of that day.\*

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\* I must here acknowledge the heavy obligations which I owe to Colonel Samuel Ashe of Cape Fear. I am more indebted to him than to any other individual in the State for the most authentic and important historical details. He is now far advanced in life, but still retains the possession of a most vigorous mind.

## CHAPTER XI.

### THE NEW WHIG GOVERNMENT.

(CONTINUED.)

**THE** Provincial Congress, at the summons of Samuel Johnston, assembled at Halifax on the 4th of April, and this body was distinguished by the presence of those to whom I have often alluded, as the leaders of the Whig party. The important question of Independence was moved, discussed, and unanimously approved by this Congress, and this circumstance alone will perpetuate its fame. On Monday the 8th of April, 1776, Cornelius Harnett, Governor Burke, Allen Jones, Thomas Jones, Governor Nash, Mr. Kinchin, and General Thomas Person were appointed a committee to take into consideration the usurpations and violences committed by the King and Parliament of Britain; and, on the succeeding 12th, Mr. Harnett submitted the following report, which I am justified in pronouncing his own composition.

#### “REPORT ON THE SUBJECT OF INDEPENDENCE.

“It appears to your committee, that, pursuant to the plan concerted by the British Ministry for subjugating America, the King and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrolled, and, disregarding their humble petitions for peace, liberty, and safety, have made divers legislative acts, denouncing war, famine, and every species of calamity against the continent in general. The British fleets and armies have been, and still are, daily employed in destroying the people and committing the most horrid devastations

on the country. The Governors in different colonies have declared protection to slaves, who should imbrue their hands in the blood of their masters. The ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which, multitudes of the people have been destroyed, or from easy circumstances reduced to the most lamentable distress.

“And whereas, the moderation hitherto manifested by the United Colonies, and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by those means alone which have been hitherto tried,—your Committee are of opinion, that the House should enter into the following Resolve, to wit :

“Resolved, That the Delegates for this Colony in the Continental Congress be empowered to concur with the Delegates of the other Colonies in *declaring Independence*, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a Constitution and laws for this Colony and of appointing Delegates from time to time (under the direction of a general representation thereof) to meet the Delegates of the other Colonies, for such purposes as shall be hereafter pointed out.” (*Journal of the Congress*, pp. 11, 12.)

These proceedings were on the 12th of April, and the resolution which was proposed was on that day unanimously adopted. It preceded the recommendation of the Virginia Convention on the same subject by more than a month, and is the first open and public declaration for independence, by the proper authority of any one of the colonies, on record. It has, however, escaped the observation of the “historians of the adjacent States;” and even Mr. Wirt, who was in the confidence of the author of the National Declaration of Independence, and whose details upon the history of that important instrument are copious, seems to have forgotten, if he ever knew, the real origin of the action of the Continental

Congress. This resolution of the Provincial was forwarded on to the Continental Congress,\* and has been within a few years observed among the state papers at Washington City. It was noticed by Mr. Pitkin in his very able and useful work, and the proceedings of the Congress, in which it was adopted, were republished by the Assembly of North Carolina, a few years since, when the letter of Mr. Jefferson was before that body. In point of composition, the report may be compared with any of the public documents of that day, and will certainly lose nothing by the strictest comparison with that before the Virginia Convention on the succeeding 15th of May.

In the course of my details of the history of the State, I have often alluded to the constant vigilance of the Whigs over their internal and more deadly enemies, the Tories; and now, during the session of this Congress, a public Manifesto or Declaration was published, explaining and justifying the severity of their conduct. It assumed the ground, that the Tories had been conquered at the battle of Moore's Creek, and set forth the reasons of their future policy, in the high and imperative tone of a victorious party. It was adopted on the 29th of April, and stands recorded on the Journal of the Congress, under that date. I have only room for the few concluding paragraphs, which are here submitted to illustrate the liberal and generous feelings of the higher orders of the Whigs.

"We have their security in contemplation, not to make them miserable. In our power, their errors claim our pity, their situation

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\* It was presented to the Continental Congress on the 27th of May, 1776.

disarms our resentment. We shall hail their reformation with increasing pleasure, and receive them among us with open arms. Sincere contrition and repentance shall atone for their past conduct. Members of the same political body with ourselves, we feel the convulsion which such a severance occasions; and shall bless the day, which shall restore them to us, friends of liberty, to the cause of America, the cause of God and mankind.

“ We war not with the helpless females, whom they have left behind them; we sympathize in their sorrow, and wish to pour the balm of pity into the wounds which a separation from husbands, fathers, and the dearest relations has made. They are the rightful pensioners upon the charity and bounty of those who have ought to spare from their own necessities for the relief of their indigent fellow creatures: to such we recommend them.

“ May the humanity and compassion, which mark the cause we are engaged in, influence them to such a conduct as may call forth our utmost tenderness to their friends, whom we have in our power. Much depends upon the future demeanor of the friends of the Insurgents who are left among us, as to the treatment our prisoners may experience. Let them consider these as hostages for their own good behaviour, and by their own merits make kind offices to their friends a tribute of duty as well as humanity from us, who have them in our power.”

The humanity of the Congress was exhibited by a grant of the most liberal parole of honor to General McDonald and his son, who held a Colonel's commission in the Tory army; and both of these officers are complimented for their candor in the very language of the resolution. The Whigs were the undoubted victors of the field, but they did not sully the laurels which they had gained, by a brutal or ignominious imprisonment of the person of the conquered General.\*

On the 22d of April the Congress resolved to emit \$250,000 in bills of credit, and adopted the following form as the impression of the currency.

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\* The battle of Moore's Creek was fought on the 27th of February, 1776.

“ North Carolina Currency.

\_\_\_\_\_ Dollars, by authority of Congress, at Halifax, on  
the \_\_\_\_\_ day of April, 1776.”

These bills were signed by William Haywood, John Webb, William Williams, and David Sumner; and the most solemn oath and bond was exacted as an assurance of the due execution of the duties of the commission. The efforts of the Congress to escape the dexterity of the counterfeiters, were of but little avail; and their Provincial bills of credit could only be distinguished from the counterfeits by their inferiority in the mere style of mechanical execution. The immediate wants of the new government were, however, as well supplied with the one as the other. The slow process of redemption, the indifferent quality of the paper on which they were executed, and their reduced value, gradually exhausted the stock on hand, and saved the state the expense of a heavy assumption.

One of the most important subjects before the Congress was the defence of the Cape Fear from the military and naval armament, hovering on the coast, and threatening to invade the very heart of the State. The signal defeat of the Tories, at Moore's Creek, had broken up the original plans of Governor Martin; and now we find the Congress preparing, not only to sustain the advantages they had gained, but, if possible, to defeat the disciplined forces from the mother country. Two battalions, comprising fifteen hundred troops, were ordered to be immediately marched to Wilmington, under the command of Colonels Thomas Owen \* of Bladen, and Thomas Eaton † of Bute, the former of whom, at the head of a considerable force, was ranging in the vicinity of Wilmington. Colonel Owen had been promoted to his present rank from that of

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\* May 3d.

† May 13th.

a Major in the militia, to which he had been nominated by the preceding Congress, and was, like Colonel Lillington, remarkable for his great industry in enlisting soldiers and filling up the ranks of the army.

The seaport towns were authorized to arm one or more vessels at the public expense, and a committee appointed to frame a form of commission of marque and reprisals. Provisions and funds were ordered to be immediately sent to General Moore, who was in command at Wilmington, and Colonel Long was appointed to receive General Lee, who had been appointed to the command of the Southern forces by the Continental Congress, and who was daily expected in Halifax on his way to the Cape Fear. The whole military discipline of the State was improved, and the following officers were promoted \* to the rank of Brigadier-Generals in their several districts :

John Ashe, for the Wilmington District ;

Allen Jones, for the Halifax District ;

Edward Vail, for the Edenton District ;

Griffith Rutherford, for the Salisbury District ;

Thomas Person, for the Hillsborough District ;

William Bryan, for the New Berne District.

The Brigadier-Generals of Halifax, Edenton, New Berne, and Wilmington, were instructed to hasten on the reinforcements ordered for General Moore at Wilmington ; and, whenever they should arrive, General John Ashe was ordered to the immediate command of the several detachments. In the Appendix I shall notice the various other changes made by this Congress, in the military discipline of the State.

Anticipating a tedious and doubtful campaign on the

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\* May 5th.



Cape Fear, the Congress ordered the emission of a larger amount in bills of credit, than the 250,000 dollars (or £100,000) already voted, and concluded to increase the sum to £500,000, including the former emission; and here I will note the fact that the State had now emitted bills of credit to the amount of one million three hundred and seventy-five thousand dollars, since the flight of the Royal Governor on the 24th of April, 1775. The credit of the State was pledged for the redemption of this amount; and, although the currency thus created was rotten to the very core, yet it was the best that the exigencies of the day would allow, or the ability of the Congress could suggest.

Before this Congress, was debated the project of a civil constitution, the form of which, was the first rough draught of the present constitution of the State. I shall, in a separate chapter, enter at large into an examination of the history of the constitution, and shall here only submit a few general observations to illustrate the proceedings of the Congress. The idea of a constitution seemed to follow that of Independence; and accordingly, the day succeeding the adoption of the resolution in favor of a Declaration, a committee was appointed to prepare a temporary civil constitution.\* On Saturday, the 27th of April, certain resolutions, which the committee recommended as the foundation of a constitution, were debated, and on the succeeding 30th, in consequence of some important considerations, the project of a constitution was abandoned, and a new committee appointed "to form a temporary form of government until the end of the next Congress." †

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\* April 13th.

† Journal of the Congress.

On the 11th of May, this new committee reported a series of resolutions, proposing to abolish the Provincial Council and the District Committees of Safety, and to erect in their stead a State Council of Safety. The powers proposed to be bestowed upon the new Council were of the same order with those entrusted to its predecessor, but the new project was adopted as the simplest form of government. But the whole proceeding was of a party nature ; for there were, even at this early period of the existence of the Whig government, two rival factions, contending for supremacy and power ; and I shall, in the chapter on the Constitution, freely and impartially discuss their conduct, not more as an historian than as a politician. In electing the members of the Council of Safety, the Congress selected one for the State at large, and each District two, thus composing a body of thirteen. They were,

*Willie Jones, for the State.*

Cornelius Harnett,	} <i>Wilmington</i>	Thomas Eaton,	} <i>Halifax</i>
Samuel Ashe,	} <i>District.</i>	Joseph John Williams,	} <i>District.</i>
James Coor,	} <i>New Berne</i>	Thomas Person,	} <i>Hillsboro'</i>
John Simpson,	} <i>District.</i>	John Rand,	} <i>District.</i>
Thomas Jones,	} <i>Edenton</i>	Hezekiah Alexander,	} <i>Salisbury</i>
Whitmell Hill,	} <i>District.</i>	William Sharpe,	} <i>District.</i>

In the deliberations of the Council of Safety each District was entitled to one vote, and this mode of determining questions seems to have been more generally adopted in North Carolina than any other State. The Congress, the old Council, and now the Council of Safety, all voted upon the principle that the territory of the State, and not the people, was the essence of representation.

It is impossible, and would be uninteresting, to give a more minute detail of the proceedings of this Congress. The procurement of gunpowder and other muniments of

war, the judgment and punishment of Tories, and an immense quantity of private business, occupied the time and consideration of the members, and extended the session to the 14th of May. On that day the Congress adjourned, after a session of five weeks, leaving behind but little unfinished business save the project of a civil constitution.

But in the mean time, the military and naval armament under the command of Sir Peter Parker, had arrived in the Cape Fear ; \* and this important intelligence reached Halifax during the session of the Congress. The whole Royal force in the Colony was now under the immediate command of Major General Clinton, who had been a companion of Governor Martin's, on board the ship of war Cruizer, for more than a month, awaiting the arrival of the armament which had been detained in Ireland, receiving the troops ordered to America. General Clinton had travelled from New York along the seaport towns to Cape Fear, and had spent some time with Lord Dunmore, Governor of Virginia, in the midst of his engagement with General Howe of North Carolina. He had had time and opportunity to learn and observe the actual condition of the Colony, the opinions of the people, and the military policy of the Congress, and to have benefited by the conversation and experience of Governor Martin. His head-quarters were, however, so closely besieged by the Provincial troops, that the land forces were detained on board the fleet, which was anchored off the plantation of General Howe, near Fort Johnston.

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\* The first vessels of this armament arrived off Cape Fear on the 18th of April. The whole force of Sir Peter comprised thirty-six ships.

The recollection of the lion-hearted proprietor, and the defeat of Lord Dunmore, probably induced the exception in the following proclamation, which I consider the highest compliment that could have been rendered to the valor and patriotism of Harnett and Howe.

*“ By Major General Clinton, Commander of his Majesty’s Forces in the Southern Provinces in North America,*

“ A PROCLAMATION.

“ Whereas the most unprovoked and wicked rebellion has for some time past prevailed, and doth now exist within his Majesty’s province of North Carolina, and the inhabitants (forgetting their allegiance to their Sovereign, and denying the authority of the laws and statutes of the realm,) have, in a succession of crimes, proceeded to the total subversion of all lawful authority, usurping the powers of government, and erecting a tyranny in the hands of Congresses and Committees of various denominations, utterly unknown and repugnant to the British Constitution ; and divers people, in avowed defiance to all legal authority, are now actually in arms, waging unnatural war against their King ; and whereas all attempts to reclaim the infatuated and misguided multitude to a sense of their error have unhappily proved ineffectual : — I have it in command to proceed forthwith against all such men, or bodies of men, in arms, and against all Congresses and Committees thus unlawfully established, as against open enemies to the State. But, considering it a duty inseparable from the principle of humanity, first of all to forewarn the deluded People of the miseries ever attendant upon civil war, I do most earnestly entreat, and exhort them, as they tender their own happiness, and that of their posterity, to appease the vengeance of an injured and justly incensed nation, by a return to their duty, to our common Sovereign, and to the blessings of a free government, as established by law ; hereby offering in his Majesty’s name, free pardon to all such as shall lay down their arms, and submit to the laws, excepting only from the benefit of such pardon, CORNELIUS HARNETT and ROBERT HOWE. And I do hereby require, that the Provincial Congress, and all Committees of Safety, and other unlawful associations, be dissolved, and the judges allowed to hold their courts according to the laws and Constitution of this Province ; of which all persons are required to take notice, as they will answer the contrary at their utmost peril.

“ Given on board the *Pallas* transport, in Cape Fear River, in the Province of North Carolina, the 5th day of May, 1776, and in the 16th year of His Majesty’s Reign.

“ H. CLINTON.

“ By Command of General Clinton.

“ RICHARD REAVE, *Secretary*.

“ To the Magistrates of the Province of North Carolina, to be by them made public.”

Intent upon revenging on General Howe, the defeat of Lord Dunmore, General Clinton determined to ravage his plantation; and accordingly, in the afternoon of the 12th of May, he landed a body of nine hundred troops, assisted in command by Lord Cornwallis.\* The sentry guard, that had been posted to watch the movements of the fleet, collected their horses and drove off the cattle; and, while the enemy was marching over the causeway from the river to the dwelling-house, a portion of the sentry guard maintained a steady fire, killing one man, wounding several others, and taking a sergeant of the thirty-third regiment prisoner.† The two British generals surrounded the mansion, and murdered three women whom they found concealed in the chambers of the house. Having thus satiated and glutted his revenge, the victorious Clinton advanced towards Ostin’s Mills, at which place a heavy quantity of military stores and provisions was deposited, under the guard of Major Davis, at the head of a detachment of militia. Timely intelligence of his approach however was received, and the stores and provisions were quietly moved off, and the mills and the empty out-houses left at the mercy of the invaders. The establishment was fired, and the two Generals returned to their fleet with no other advantage than “ three horses and two cows.” ‡

\* Martin, Vol. II, p. 390.

† Ibid. p. 391.

‡ Ibid. The British authorities say, “ with twenty bullocks.”

The battle of Moore's Creek had not only abridged the ranks, but extinguished the enthusiasm of the Loyalists. The concerted schemes of Governor Martin could not be executed even by the disciplined army, surrounded as he was by Generals Moore and Ashe, two of the most vigilant officers of the Province. Colonels Owen and Lillington, too, were in the vicinity of Wilmington, watching the movements of the enemy, and guarding the Tories from the dangerous company of Governor Martin. General Clinton thus found himself most effectually surrounded, and even the energy of his splendid army paralyzed, by the industry, vigilance, and courage of his undisciplined rivals. Unacquainted with the country, and not confident of the ability of Governor Martin to manage a military campaign, he seemed afraid to undertake a more extensive operation than the sacking of a private mansion, and the brutal murder of defenceless women. General Howe was not on the field, nor in the immediate vicinity of his plantation, when Clinton and Cornwallis made the attack. He was in the more northern section of the State, filling up the ranks of his regiment, and preparing for the northern campaign in the Continental service.

The vigilance of the Provincial forces prevented all communication between the Loyalists and the fleet, and thus soon reduced the army of Clinton to distress for want of provisions. The vanity of Martin had induced him to misrepresent the real state of affairs, and to exaggerate his own power and popularity. The friendly assistance which he had promised from the people of the country, never arrived, and the troops were for several days supplied with no other food, than that of horse-flesh. The

project of subduing North Carolina, and of restoring Governor Martin to his authority and his palace, was abandoned ; and on the 1st of June, 1776, the armament left the shores of the Cape Fear and of the State. Thus failed the campaign of General Clinton, and with it even the hopes of the Tories of North Carolina. Defeated by General Howe in his efforts to give Lord Dunmore a hold on the Albemarle shore, his allies among the people entirely routed by Lillington at Moore's creek, and now himself discomfited and distressed at the head of a numerous and disciplined army, he left the Cape Fear for Charleston.

The fleet anchored off the coast of South Carolina early in the month of June,\* and in a few days General Lee, at the head of the North Carolina and Virginia troops, arrived in Charleston. It had been the good fortune of General Lee to meet General Clinton in New York, Virginia, and North Carolina, and to observe the scheme of his operations. He now commanded a large detachment of the troops of North Carolina, and among them the Company of General John Ashe ; and these soldiers were inspired with additional zeal from the recollection that they were warring against their old enemy,† whom they had so recently discomfited in their own country. Thus animated they contributed much to the defeat of the armament before Charleston, and to the total and complete overthrow of the efforts of the Ministry to subjugate the Southern country.

There was one branch of the schemes of Governor Martin and General Clinton, which, although not connect-

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\* The fleet sailed from the Cape Fear on the 1st of June, arrived off Charleston on the 4th, and entered the harbour on the 7th.

† Governor Martin was on board the fleet of Sir Peter Parker.

ed immediately with North Carolina, yet deserves to be mentioned as illustrative of the character of General Griffith Rutherford, one of the bravest officers in the army of the State. In connexion with the Governor of East Florida, a plan had been formed to engage the Indians in the war against the Southern States ; and the plot so far succeeded, that, on the very day the British fleet attacked the fort of Charleston, the Cherokees made war upon the frontier settlements of South Carolina. With a view to conquer these blood-thirsty savages, General Rutherford, in the early part of July, crossed the mountains,\* at the head of a body of nineteen hundred men, and penetrated into the present State of Tennessee, then a portion of North Carolina. After various successful skirmishes, he succeeded in reducing them ; and, ranging through their settlements, he laid waste their plantations and villages, and thus effectually restored peace and safety to the frontiers. Griffith Rutherford was one of the most decided and energetic Whigs of that day, and was perhaps the most conspicuous and serviceable officer in the western section of the State. The present county of Rutherford was thus named in honor of him ; and the old people of the State speak of him in the most enthusiastic terms, as a brave and honorable man.

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\* Martin, Vol. II, p. 393.



## CHAPTER XII.

### THE NEW WHIG GOVERNMENT.

(CONTINUED.)

IN the preceding chapter I have conducted the reader to the period of the conclusion of this history, viz. the 4th of July, 1776. The expedition of General Rutherford filled up the month of July; and I shall now return to notice the progress of the Council of Safety, the new executive of the Province, and in the course of this duty I shall introduce a few interesting extracts from their Journal, on the important subject of Independence. This body met for the first time in Wilmington, on the 5th of June, and again elected Cornelius Harnett, President, James Glasgow and James Green, Jr., Secretaries. On the 6th of June,

“General Ashe informed the Council, that there were a number of outlying malcontents in the county of Bladen, who were desirous of returning home and submitting to the Council; and it was agreed, that all such persons concerned in the late insurrection, that should take an oath before the Chairman of the County or Town Committee, to submit to such order and regulation as might be made by the government of the Colony, and that, when required, they would take up arms in defence thereof, might return to the peaceable enjoyment of their habitations.”

The party warfare, between the Tories and the Whigs, was waged with the most deadly ferocity in both North and South Carolina. After the defeat of McDonald, the loyalists found no mercy at the hands of their victors, except in the clemency of the Congress or the Council.

The leading and most respectable Whigs were divided in opinion as to the propriety of so rigorous a punishment; but the militia companies, when once under arms, sought no other warfare than the absolute subjugation of their traitorous neighbours. In a contest like that of the revolution of North Carolina, where the people had called for a Declaration of Independence, and where the stake in question was the freedom of America, I can readily justify the severity and even the ferocity of the civil war. The Whigs, however, did nothing more than retaliate, on their rivals, the many high-handed outrages committed on them. While the royal power was supported by the presence and authority of a Governor, and even after the flight of Martin, and while the invincible armament was expected in the Cape Fear, they committed similar excesses under the high hope and expectation of a speedy and complete triumph.

In concluding the subject of the Tory war, I shall pause for a few moments to notice the character and services of Colonel Ebenezer Folsome, the most violent Whig partizan in North Carolina, or perhaps even in the United Colonies. He lived in Cumberland, in the very midst of the Tories. At an early period of the struggle he had collected together a body of horsemen, and commenced on his own responsibility a regular Feudal war, ravaging the plantations of the loyalists, and frequently, perhaps, gratifying his own private revenge. The last Congress had elected him Colonel of the militia of Cumberland, and about the 1st of June I find him at the head of a hundred horsemen and a detachment of infantry, ranging through the upper counties of the Cape Fear, and carrying the war to the very fire-sides of the Tories. He soon

became a favorite with the Council of Safety and the adjacent County Committee, on account of his strict and willing obedience of their orders ; and accordingly we find, that he is always employed on the most dangerous adventures. The name of John Piles is equally famous in North Carolina as a violent and powerful Tory, commanding the sympathies of a number of the Scotch and other loyalists. On the 15th of June, Colonel Folsome agreed with the Council to catch or conquer the Tory leader and all his family ; and accordingly selected a strong guard from his cavalry, and ranged through the present counties of Chatham, Moore, and Cumberland. He ultimately succeeded in meeting him at the house of Farquard Campbell, where he seemed to be enjoying, not only the hospitality, but the political confidence of his host. The Colonel seized John Piles and his son, and bore them off in triumph ; and in the lapse of a few months we find him again at the same house, seizing and carrying off the hospitable Farquard \* himself. In such adventures he was the most successful hero of whom I have heard, in my various researches into the Tory war. The great number of loyalists in Cumberland had prevented the operations of the old County Committee ; and, that efficient department of the Whig government having dwindled away, Colonel Folsome found himself at the head of affairs, and woe unto that man who should doubt for a moment the integrity of the great American cause, or the supremacy of the Congress and Council. He however abused his trust, and was, during the succeeding year, tried for the common crime of usurpation and abuse of power.

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\* Letter of Samuel Ashe to John Williams, of date the 12th of January, 1777.

The question of a National Declaration of Independence, which had been first urged by North Carolina, and afterwards by Virginia, was introduced into the Continental Congress on the 27th of May, and finally consummated on the 4th of July, 1776. In my sketch of the character of William Hooper, I shall notice the proceedings of that body; in this place I shall only observe, that, during the agitation of that question, the people of North Carolina were eagerly watching the signs of the times, and praying for the success of that great and glorious measure. They had, at various periods, in separate conventions, urged it upon the consideration of their fellow-citizens. The people of Mecklenburg had declared themselves free; and, on the preceding 12th of April, the Provincial Congress had repeated and ratified their decree.

On the 22d of July the news of the Declaration of Independence reached Halifax; and, the Council of Safety being in session in that place, the following resolution was unanimously adopted.

“Resolved, that the Committees of the respective counties and towns in this state, on receiving the Declaration of Independence, do cause the same to be proclaimed in the most public manner, in order that the good people of this colony may be fully informed thereof.”

On the 25th of July the Council proceeded to change the test oath; and the preamble of the resolution states, that the Colonies were now free and independent States, and that all allegiance to the British Crown was for ever at an end. On the 27th of the same month the Council set apart Thursday, the first of August, as a day for proclaiming the Declaration at the Court House in Halifax; and the freeholders and inhabitants of the county were

requested to give their attendance at the time and place. On the appointed day an immense concourse of people assembled at Halifax to witness the interesting ceremony of a public proclamation of the Declaration of Independence. The Provincial troops and militia companies were all drawn up in full array, to witness the scene and to swear by their united acclamations to consummate the deed. At mid-day Cornelius Harnett ascended a rostrum which had been erected in front of the Court House, and even as he opened the scroll, upon which was written the immortal words of the Declaration, the enthusiasm of the immense crowd broke forth in one loud swell of rejoicing and prayer. The reader proceeded to his task, and read the Declaration to the mute and impassioned multitude with the solemnity of an appeal to Heaven: When he had finished, all the people shouted with joy, and the cannon, sounding from fort to fort, proclaimed the glorious tidings, that all the Thirteen Colonies were now free and independent States. The soldiers seized Mr. Harnett, and bore him on their shoulders through the streets of the town, applauding him as their champion, and swearing allegiance to the instrument he had read.\*

The resolution of the Council of Safety, ordering the several Committees to have the Declaration proclaimed to the people in the most public manner, was not observed in Cumberland; and, on the 6th of August, Colonel Folsome and Colonel David Smith were authorized to call a

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\* I received the account of this ceremony from a pious and elderly lady, who was present on the occasion, and whose friendship and acquaintance I esteem the more, because it descended to me as an inheritance. In this place it may not be amiss to say, that I have always found the details of elderly ladies, on matters of history, more correct than those of old men.

general meeting of the inhabitants and to execute the order. I have never heard any account of the ceremony which Colonel Folsome undoubtedly instituted. The doctrine of treason, too, as expounded by the Congress, was ordered to be proclaimed to the people of Cumberland, and to the regiment stationed at Cross Creek.

I have now arrived at the most interesting period of our history. In the revolution of North Carolina, the reader will observe three bold and energetic popular movements, all progressing towards a National Declaration of Independence. On the 26th of April, 1774, William Hooper, in a letter to James Iredell, openly avowed that things were verging towards Independence. On the 20th of May, 1775, the people of Mecklenburg declared themselves independent; and on the 12th of April, 1776, the Provincial Congress instructed their delegates in the Continental Congress to concur in a National Declaration. These are the grand events in the history of a State, which, according to Mr. Jefferson, sent a rank Tory to sign, on her behalf, the Declaration of Independence. I need not his confession, that she was not doubtful, "that no state was more fixed or forward," to defend North Carolina from the malignant aspersions of his pen. I spurn his compliments as worthless, and his praise as a corrupt and corrupting gift. They are the conceptions of a wicked and profligate mind, and are served up but to gild the nauseating pill of an unprincipled political empiric.

I appeal to the events of the revolution in North Carolina, and not to Mr. Jefferson's disclaimer, to attest the genuineness of the Whig principles of her illustrious dead. Virginia, although aided by *his* important services, waited

for the example of North Carolina, to urge her on to the great crisis of Independence ; and, long before the Sage of Monticello had fixed his heart upon the national freedom of America, the question of Independence had been mooted, discussed, and approved, by the almost unanimous voice of the Whigs of the State.\*

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\* The Provincial Congress of August and September, 1775, adopted a scheme of bounties for the protection of the manufactures of the State, which bounties were to be conferred by the Provincial Council. Accordingly, on the 12th of September, 1776, while the Council of Safety was in session, George Wolfendon, James Morgan, and James Gibson offered to the Council sundry pieces of linen, claiming the several bounties, pursuant to the resolve of the Congress. The Board, after due examination, found it impossible to come to any decision as to the relative value or excellence of the pieces presented, and accordingly the following resolve was adopted: "Resolved, That the Treasurers, or either of them, pay unto the said Wolfendon, Morgan, and Gibson, the sum of twenty-three pounds fifteen shillings each, it being their equal part of the several bounties allowed by the Congress."

While on the subject of manufactures I will record in this note, that, about the year 1824, an ingenious lady, of Franklin county, wove on her own loom a *shirt without seams*.

## CHAPTER XIII.

### THE CONSTITUTION OF NORTH CAROLINA.

THE first step towards the formation of the Constitution of North Carolina was made on the 13th of April, 1776; and this seems to have been the result of the deliberation of the Convention on the subject of Independence. The idea of a Constitution naturally followed that of National Independence; and, the Congress of North Carolina having recommended a Declaration to that effect on the 12th, the adoption of the principles of a solid, well-regulated government, formed the next most important subject for their consideration. Accordingly on the 13th, Samuel Johnston, the President of the Congress, Abner Nash, Cornelius Harnett, Thomas Jones, Green Hill, Governor Burke, Allen Jones, Mr. Locke, Mr. Blount, Mr. Rand, John Johnston, Samuel Ashe, Mr. Kinchin, Samuel Spencer, Mr. Haywood, Mr. Richardson, Mr. Bradford, Mr. Ramsay, and Thomas Person, were appointed a Committee \* to prepare a civil Constitution. To this committee John Penn and William Hooper were added; and before this body, thus completed, was fought one of the most desperate party battles to be recorded in the civil history of the State. The transition from a monarchical to a republican form of government was almost too gradual and easy to be per-

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\* On the 13th of April, 1776. — *MS. Journal.*



ceived, but the project of a total abandonment of the conservative principles of the British Constitution, produced one of those violent political throes, which have so often stained with blood the career of revolutions. The Whig party of North Carolina was, at this crisis, convulsed by this distracting question. The most important characters of the Provincial Congress were divided in opinion as to the principles of the new government ; and each obstinately conceived the safety, welfare, and honor of the State, to depend upon the success of his favorite schemes.

From the members of the committee, I select the names of Samuel Johnston and Allen Jones, as the leaders of the conservative party. They had made immense sacrifices in the cause of the revolution. Samuel Johnston had succeeded John Harvey, in the control of the Whig party. He had published under his own name an order for the election of the Congress of August, 1775 ; and had thrown himself forward in every crisis, as the civil head of the State. He had shrunk from no responsibility however heavy, from the performance of no duty however perilous, in the cause of the American revolution. His mind, his body, and his purse were at the service of his country ; and these resources he poured forth with all the profusion of a spendthrift. It is impossible to doubt the patriotism of such a man.

But when the reckless proposition to abolish even the very elements of the British Constitution, and to substitute in their stead the incoherent principles of a democracy, was gravely urged by a majority of the committee, he shrunk from it as from the most deadly contagion. He was an ardent lover of freedom and of the national

Independence of America, but he was no believer in the infallibility of the popular voice. He had seen the rights of the Colonies violated, not so much the rights of persons but the right of property, and against this usurpation he had zealously warred. The vagrant principle of universal suffrage, the popular election of Judges, and the despicable dependence of authority upon the will of the people at large, were never heard of in the revolution of North Carolina, until the demagogues of the Whig party started on their career of popularity.

But Governor Johnston was not a man of that pliable and irresolute character, that bends to every passing gale. He did not surrender the honest convictions of his mind to the mere majority of individuals, nor compromise the splendid uniformity of his political character to propitiate the clamor of the soldiery. He was the honest advocate of a government of energy and of power, erected upon the most solid foundations. The restriction of the right of suffrage in all popular elections, the inviolable independence of the Judiciary, the permanence and respectability of office, and the most perfect security of property and all vested rights, constituted his conception of the elements of a good government. "Wise or fortunate is the man," who builds his own reputation as a statesman, upon the imperishable rock of such principles. The lovers of constitutional freedom will recur to him as their founder, and "fiercely chastise the guilt or folly of the rebels who shall presume to sully the majesty of" his name.

Against this conservative party was opposed all the radicalism which had gathered around the ball of the revolution, which had now been rolling in North Carolina for more than two years. While its progress and direc-

tion were controlled by Governor Johnston, its career was one of principle ; but now the growing strength of the people, and the arts of designing and ambitious men were endeavouring to impart a force, which instead of moving it forward, would have broken it into atoms, and perhaps have annihilated it for ever.

I pretend not to scrutinize the motives of politicians, more especially of those who have passed from the stage of life, and whose actions are obscured by the distance of more than half a century ; but that the leaders of the Whig party in North Carolina were actuated by different motives, and eagerly intent on different and conflicting results, is too obvious to be concealed. With many of the most eminent and zealous, such as Willie Jones and Thomas Person, the establishment of a democracy was an object of superior importance to the Independence of the country. Without the hope of consummating this darling project, their zeal would have abated, and even the independence of the country have been surrendered, as not worth a struggle, when the certainty of an American aristocracy was before them. But a very different, and I must say a much nobler motive animated the bosom of Samuel Johnston and his conservative friends, in their zealous support of the American cause. The national Independence of their country was the very and the only element of their political enthusiasm. They did not look beyond it, and discover in the form of the government which they knew would be established, any principles of superior or even of equal magnitude. Their predilections were in favor of a splendid government, representing the property of the people, and thus giving by its own independence and splendor a high character of dignity to

the State. But all schemes or forms of government were as nothing when compared with the national Independence of America ; and with the achievement of this grand object they were prepared for either a monarchy, an aristocracy, or any other form of government except a wild and uncontrolled democracy.

The Radicals contended with much show of reason, that the success of the revolution depended upon the adoption of a purely democratic form of government, and that the hope of such a thing was the sole cause of the enthusiasm of the lower orders of the people. The restriction of the right of suffrage which had prevailed in the Whig government, it was contended, had given the Tories an opportunity of seducing the non-freeholders to their interest, and that an extension of that most delicate and important right, to every "*biped*" of the forest, was the surest means of uniting the voice of the people. The vain hope, that even the dependent Highlanders of the Cape Fear would, if the prerogative of citizenship were conferred, desert from the standard of their chieftain, was encouraged ; and that thus the war could be conducted with greater energy by the combined strength of the State. The coffers of the treasury were empty, and the only means of arousing and keeping alive the warlike spirit of the lower orders, was by conferring the highest political privileges.

Upon the vital question, then, of enfranchising the lower order of the people, and upon the propriety of a splendid government, the Conservatives and the Radicals were divided ; and in the ranks of both of those parties were found many of the most enlightened and patriotic citizens of the State. On the question of Independence, which

was settled by the unanimous voice of the Congress, on the day before the appointment of the committee to form a civil Constitution, there was no division ; and, with the settlement of that more important point, the two rival parties started up into an active existence. Independence had been so much talked of and so often acted upon in North Carolina, that it was considered throughout the State, as the peculiar subject of the deliberation of the Provincial Congress ; and the members assembled in Halifax predetermined to sanction and recommend, the propriety of a National declaration. On the 5th of April, the day after the meeting of the Congress, Mr. Johnston wrote to James Iredell, and after touching on the case of General McDonald, he said, — “ All our people here are up for independence. God knows when I shall have the pleasure of seeing you ; there are very few among us capable of forwarding business, many of retarding it.” On the 13th of April he again wrote to Mr. Iredell, and concluded his letter in the following words, — “ The House have agreed to empower their Delegates at Philadelphia to concur with the other colonies in entering into foreign alliances and in declaring an independence of Great Britain. I cannot be more particular ; this is written in Congress. My love and compliments where due ; farewell.”

I shall draw from the same correspondence my materials in detailing the proceedings of the Committee ; and now present an extract from a letter, of date the 17th of April. The Committee had been in session for only four days, and thus early Governor Johnston found himself in a minority. The letter says, — “ I must confess our prospects are at this time very gloomy ; our people are about forming a Constitution, and from what I can at present

collect of their plan, it will be impossible from me to take any part in the execution of it. Numbers have started on the race of popularity, and condescend to the usual means of success."

The Radicals found themselves in a majority in the Committee, and about the 18th or 19th of the month of April,\* it was resolved "to establish a purely democratic form of government." The dissatisfaction of Governor Johnston is obvious from the tone of his letters ; and the concluding sentence of the one last submitted, points plainly to the cause of his discomfiture. He was however a man of too much independence of opinion, and of too much influence in the State, to give up without a farther struggle so important a question as the character of the government, under which he expected to live. The Radicals perceived at once the danger of alienating so important a personage from the interest of the new government ; and, although they sapiently assumed to themselves the name of orthodox in politics, yet they prudently consented to make terms with their defeated rival.

While this violent schism in the Whig party was hanging over the fate of the American cause in North Carolina, Thomas Jones, of Edenton, a personal friend of Governor Johnston and a cunning and ingenious politician, interceded and appeased the rage of the contending factions. He was in truth more of a conservative than his friend ; but, perceiving the strength of the Radicals, he had avoided the issue which Governor Johnston had the independence openly to confront. I have a

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\* Letter of Judge John Williams to Judge Henderson, of date the 28th of April, 1776.

mere note or billet of his to Johnston, dated the 19th of April, upon which I predicate this view of his character. In that paper he informs the Governor that he had adjusted the disagreeable difficulty, which had interrupted the harmony of the Committee ; and then invited him to meet with the other members at his room on the evening of its date.

The tone of Governor Johnston's letters to Mr. Iredell changes from this date ; and on the very next day we find him busily engaged in the consideration of the details of the new government. The compromise seems to have been so far satisfactory as to have overcome the almost insuperable objections of the Governor ; although it is obvious from many articles in the present Constitution, that the Radicals yielded much to gain the important service of his coöperation. I here present his letter, of date the 20th of April, which, it will be seen, is written with much good humor.

“ FROM SAMUEL JOHNSTON TO JAMES IREDELL.

“ *Halifax, 20th of April, 1776.*

“ DEAR SIR,

“ We have not yet been able to agree on a Constitution. We have a meeting on it every evening, but can conclude on nothing. The great difficulty in our way is, how to establish a check on the Representatives of the people, to prevent their assuming more power than would be consistent with the liberties of the people ; such as increasing the time of their duration and such like. Many projects have been proposed too tedious for a letter to communicate. Some have proposed that we should take up the plan of the Connecticut Constitution for a ground-work, but with some amendments ; such as that all the great officers, instead of being elected by the people at large, should be appointed by the Assembly ; but that the Judges of our Courts should hold their offices during good behaviour. After all, it appears to me, that there can be no check on the Representatives of the people in a democracy, but the people

themselves; and in order that the check may be more efficient I would have annual elections. The Congress have raised four new regiments, making in the whole six, and three companies of light horse. They are about striking a large sum of money for paying them. General Lee promises us a visit soon. I want much to see that original."

The rest of this letter relates to domestic concerns, which would be uninteresting to the reader. The apprehension that no substantial check could be established for the control of the Legislature has been fully realized in the history of many of the States. The Reports of the Supreme Court of the United States are adorned with innumerable cases, in which the learning and patriotism of the Judges are invoked, to check the vagrancy of State legislation. Massachusetts, New York, Pennsylvania, Maryland, Virginia, and Georgia, have each in their turn reared the crest to the arbitrament of an independent judiciary; but North Carolina, quietly avoiding the path of the Federal Government, has submitted in all doubtful cases to the correction of her own courts.

The civil Constitution was however completed by the 25th of April, and was on that day laid before the Congress. "On motion, *Resolved*, That the temporary civil Constitution be taken under consideration to-morrow morning." \*

On the next day accordingly, the order of the day being read, "*Resolved*,† The House resolve itself into a committee of the whole House, to take into consideration certain resolutions, proposed as a foundation for a temporary civil Constitution. The House resolved itself into a committee of the whole House accordingly, and

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\* Thursday, 25th of April. — *MS. Journal*.

† *MS. Journal*, 26th of April.



chose William Cumming, Esq., Chairman, and, after some time spent therein, Mr. President resumed the chair and Mr. Chairman reported the several resolutions, which were ordered to lie over until Monday."

On Monday the subject was again postponed until the next day, when the Committee of the Constitution was dissolved, and all hope of the establishment of a permanent government by that Congress abandoned. This conclusion seems to have been exceedingly gratifying to Mr. Johnston, who on the 2d of May wrote the following letter to Mr. Iredell.

*"Halifax, 2d May, 1776.*

"DEAR SIR,

"Affairs have taken a turn within a few days past. All ideas of forming a permanent Constitution are at this time laid aside. It is now proposed for the present to establish a Council to sit constantly, and County Committees to sit at certain fixed periods, but nothing is concluded. We find it necessary to emit a very large sum of paper money at the present emergency; a circumstance which gives me more concern than any thing else, and yet it seems unavoidable. You can easily see the evils attending this measure. I am pretty well this morning, and have leave to be absent from the service of the House in order to prepare my public accounts for a settlement.\* Allen Jones is Vice-President."

On the 30th of April, Governor Burke, Samuel Ashe, Richard Caswell, Mr. Hooper, Mr. Penn, Abner Nash, Mr. Kinchin, Thomas Jones, and Mr. Coor, were appointed a committee to propose "a temporary form of government until the end of the next Congress." The Radicals contrived not only to exclude Governor Johns-

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\* Mr. Johnston was the Treasurer of the Northern District, and was more celebrated as a skilful financier than any other citizen of the State. In the performance of this delicate trust he contributed the most important services to his country.

ton from this committee, but from a seat in the Council of Safety which was instituted by the Congress on the 11th of May. Their inveterate opposition was continued even after the adjournment of the Congress ; and many, even of the most respectable of the Whigs, professed to doubt the sincerity of his attachment to the American cause. "The rancor of opposition," however, secured him "the idolatry of love" ; and the firmness with which he was supported by his conservative friends, soon gave him an important influence in a general arrangement of the party. The Council of Safety, for no other reason than that he was not elected a member of that board, (as he had been a member of the former Council,) looked upon him as their most deadly enemy ; and professed to view his defeat as a signal instance of the displeasure of the Congress. Their excessive dread of his power among the people of the State at large, forced them to respect him in their public capacity ; but the private letters of that day exhibit a well-concerted scheme of intrigue, to ruin his character as a patriot and statesman.

On the 9th of August, 1776, while the Council of Safety was in session, the subject of the Constitution was introduced in connexion with that of Independence ; and it was solemnly recommended to the people of North Carolina, to pay the greatest attention to the election of members of Congress on the 15th of October ; and to have particularly in view the important consideration, that it would be the business of the Congress not only to make laws, but also to form a Constitution, "which as it was the corner-stone of all law, so it ought to be fixed and permanent ; and that according as it was well or ill ordered, it would tend in the first degree to promote the

happiness or misery of the State."\* It was likewise recommended to the people to elect five delegates properly qualified to sit and vote in the Congress, as business of the last importance would undoubtedly come before them.

I have never understood the reason of this urgent recommendation of the Council of Safety. Ever since the first Provincial Congress, in August, 1774, the elections of the leading members had been conducted without even the apprehension of opposition. The public good required their aid and presence in the deliberations of the Congress, and the people biennially acknowledged the merit of their services by a general reëlection. But the Council of Safety now issues a solemn warning to the people of the State, as if there was some doubtfulness in the camp of the Whig party, and concludes by an indefinite allusion to business of the last importance. The whole force and energy of the Radical party of the State, was directed to the single object of defeating Samuel Johnston in the Chowan election; and I condemn this recommendation of the Council as a mere instrument of party warfare. The subject of a Constitution, now that the question of Independence was settled by a National Declaration, was more prominently before the people than any other question; and, as it had been discussed in the previous Congress, the people could scarcely have forgotten its importance. The idea was constantly put forth, that the Conservatives were intent on the erection of a system of government adverse to the liberty of the people, and that they were in reality the advocates of a monarchy. By such rumors the

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\* MS. Journal.

Radicals, abetted by the Council of Safety, endeavoured to alarm the minds of the people, and to destroy the influence and power of the President of the Congress.

The obtuse perception of the Radicals refused to acknowledge that there was any intermediate ground, between themselves and the advocates of a monarchy, upon which the people could erect the basis of their newly acquired freedom. The dangerous heresies of universal equality, and of an agrarian law, were better suited to their comprehension, than the encouragement of morality and industry, by the security of property and the maintenance of the natural divisions of society. In their intense hatred of England, they lost sight of the virtue and excellence of many of the principles of the British Constitution; and, in abjuring all allegiance to the sovereign, they ventured to include all respect for the most venerable monument of freedom that the world had ever seen. But the wisdom and prudence of Mr. Johnston could not second so heedless a career. Despising, as deeply as could the most zealous Radical, the usurpations of King George, upon the property of the people of America, and acknowledging the utter impossibility and inexpediency of any thing like a monarchical form of government, he nevertheless earnestly insisted on the dangers of an irresponsible legislature, representing, not the property, but the mere will of the people. The amount of property which a merchant may own in a ship at sea, is the best ratio by which to compute the degree of his anxiety for her safety and success; and the same principle might be successfully applied, in the composition of the government of a State. The principle that all men are by nature free and equal is true, because, like

a thousand other maxims, no one thinks it worth a refutation or qualification ; but the statesman, who shall undertake to build up a government upon such a foundation, will find even his own learning, integrity, humanity, and property *poized* at the polls, by the bought suffrage of a menial slave.

The Radicals, however, gained the object of their strife, and Mr. Johnston was not returned a member from Chowan at the election on the 15th of October. I do not know that he actually canvassed for the election, for he had perceived and acknowledged the growing strength of his antagonists, and may probably have prudently declined the contest. The Congress assembled at Halifax on the 12th of November, and, at the instance of Allen Jones, Richard Caswell was elected President. On the second day of the session, Mr. President Caswell, Thomas Person, Allen Jones, John Ashe, Abner Nash, Willie Jones, Thomas Jones, Mr. Bright, Mr. Neale, Samuel Ashe, Mr. Haywood, General Rutherford, Mr. Abbot, Luke Sumner, Thomas Respiss, Jun., Mr. Maclaine, Mr. Hogan, and Mr. Alexander, were appointed a Committee to form and lay before the Congress a Bill of Rights, and form of a Constitution for the government of the State. Mr. Hewes, Mr. Harnett, Mr. Sharpe, Mr. Spear, Mr. Avery, Mr. Eaton, Mr. Birdsong, Mr. Irwin, Mr. Whitmell Hill, and Mr. Coor, were subsequently added ; and, thus completed, the Committee proceeded to the discharge of the duty assigned them.

On the second day of the session of the Congress, a grave question arose as to the mode of determining questions ; and now it was proposed, as a preparatory step to the adoption of a Constitution, that all ques-

tions should, for the future, be determined by *voice*, and not by *counties* and *towns*. There was a division on the question; and only the following counties and towns voted against the proposition; — Beaufort, Brunswick, Carteret, Chowan, Hyde, Perquimons, Pasquotank, Pitt, Town of Brunswick, and Town of New Berne. The other counties and boroughs, making a heavy majority, voted in the affirmative, and henceforth all questions were decided by the voice of the members.

On Friday the 6th of December, Thomas Jones, from the Committee on the Bill of Rights and the Constitution, informed the House that the form of the Constitution was prepared and ready for consideration. Mr. Jones read the Constitution in his place, and then delivered it in at the table. The secretary was ordered to employ clerks and to have numerous transcripts ready for the members, and the succeeding Monday was fixed upon as the day for its consideration. On Monday the 9th, Tuesday the 10th, and on Thursday the 12th, it was debated, and on the last day the subject was postponed to Saturday the 14th, to give precedence to the Bill of Rights which Mr. Jones that day laid before the Congress. On Saturday the 14th of December, the Bill of Rights was first debated, paragraph by paragraph, and passed its first reading, and then the Constitution was likewise passed. On Monday the 16th, both instruments were again considered, but only the Bill of Rights was passed upon, the other being deferred to Tuesday. On Tuesday the 17th, the Bill of Rights was finally passed, and ordered to be engrossed. The final consideration of the Constitution was postponed to the next day, Wednesday the 18th, when it was finally adopted as the Constitution of North Carolina.

Thus were the Bill of Rights and the Constitution of the State formed. They are said to have come from the pen of Thomas Jones, aided and assisted by Willie Jones. I find in one of Governor Johnston's letters, that he alludes to it as Jones's Constitution, and the reader will observe that Thomas Jones was throughout the organ of the Committee. The Constitution was the child of the instrument which was debated before the Congress of the preceding spring; although much improved by the various revisions and amendments which it underwent, before its final adoption.

Samuel Johnston, the most profound statesman in the State, although not a member of the Congress, repaired to Halifax on the business of the treasury, and on the 7th of December wrote the following letter to Mr. Iredell.

*"Halifax, Dec. 7th, 1776.*

"DEAR SIR,

"I got here this afternoon, and, though I made short stages, find myself a good deal fatigued. My health is much the same as when I left home. God knows when there will be an end of this trifling here. A draft of the Constitution was presented to the House yesterday, and lies over for consideration. The members are furnishing themselves with copies of it. I have had a glance of it, and wished to send you a copy of it, but it was impossible; perhaps the bearer of this, Col. Dauge, may have one. As well as I can judge from a cursory view of it, it may do as well as that adopted by any other colony. Nothing of the kind can be good. There is one thing in it which I cannot bear, and yet I am inclined to think it will stand. The Inhabitants are impowered to elect the Justices in their respective counties, who are to be the Judges of the County Courts. Numberless inconveniences must arise from so absurd an institution."

The rest of this letter does not refer to the Constitution. On Monday the 9th of December, Mr. Johnston again wrote to Mr. Iredell, and I submit the following extract on the subject of this chapter.

“Halifax, 9th Dec., 1776.

“DEAR SIR,

“I wrote to you the evening after I got here, since which I have been endeavouring to discern what will be done, but am as much at a loss as ever. The Constitution is to be debated to-day, and some talk of finishing as soon as that is agreed on; while others are for staying to appoint all the officers of the State, and to establish Courts of Justice. Which of these plans will take place is uncertain. No one appears to have sufficient spirit to set them right. I am in great pain for the honor of the Province; at the same time, when I consider only my own ease and peace, congratulate myself on being clear of any share of the trouble I must have had, if I had been a member. Every one who has the least pretensions to be a gentleman is suspected and borne down *per ignobile vulgus*, — a set of men without reading, experience, or principle to govern them.”

The character of Samuel Johnston does not need the aid of my pen to support it, by any other means than a mere record of the services of his life. By his wise and magnanimous administration of the government of the State, during the time that North Carolina was out of the Union, the most critical period of her existence, he secured to himself an imperishable fame; and by his unwearied perseverance and zeal, he procured the adoption of the National Constitution, and thus gave character, integrity, and consistency to the union of the States. In 1788 and 1789, as in 1776, he boldly stood forth as the uncompromising advocate of the great conservative principle, the perfect security of property and all vested rights from the reach of the changeable will of the people; and although all such statesmen must of necessity be unpopular in democratic governments, yet such is the effect of an independent course among an honorable people, that Governor Johnston was honored with their confidence by his election as first Senator from North



Carolina, and then to the Bench, where he might appropriately and zealously support the principles he had so long cherished.

I shall neither record, nor discuss in detail, the Bill of Rights and the Constitution. They have been transmitted to the present generation, unimpaired and without amendment ; and are, at this period, the only instruments of the kind formed by the sages of the Revolution, which have come down unscathed by the hand of innovation. Governor Johnston objected to it on account of its "*radicalism*" in 1776 ; but in 1833, it is censured as containing high conservative principles, inconsistent with the proper notions of modern democracy. The old Constitution of Virginia, although fortified by a restriction of the right of suffrage, was at length overthrown by the clamor of the unrepresented class, and the same fate has been for many years past predicted for that of North Carolina. But, hitherto, the Constitution has withstood triumphantly every assault. Conventions have been proposed to destroy it entirely, and begin anew the art of government ; irresponsible assemblages of designing and ambitious men have appealed directly to the people, without the intervention of the Legislature, and called upon them to vote upon the propriety of a revolution ; and bills have been presented to the Assembly, praying that specific amendments might be submitted to the people for ratification ; but there is somewhere in the venerable instrument the great principle of self-preservation, which has hitherto been able to defy the craft and cunning of the demagogue. All such schemes have failed. The cry is, the inequality of representation ; the mere *territory* and not the *people* of a county being the "*thing*" represented.

The County of Jones, with a population of scarcely more than three thousand, has as much influence in the State as the County of Orange with a population of twenty-five thousand ; and the Borough of Halifax, with scarcely any white population at all, balances, in the House of Commons, one half of any county in the State. And yet, strange as it may seem, the history of the past will tell us that these small counties and rotten boroughs have contributed the most eminent and enlightened members of the House ; and, at no very remote period, the seven boroughs returned to the Commons seven members, who might have been fairly estimated the first men in the State, and who controlled by their talents alone the whole Assembly.

This inequality of representation is an evil which should be removed, whenever the people shall have thrown off the "despotism of party," or shall have learnt to heed less the rant of a Radical, than the wise and honest counsel of a virtuous patriot. It is an unpropitious period for conventions. The order of the day is change and reform, and the most venerable principle of the American revolution, — the independence of the Judges, — has already in many States been annihilated by frequent elections and variable salaries. If in the election of members of a convention, the right of suffrage could be restricted to the land and slave holders, instead of being extended to every vagrant of the fields, the danger might be avoided, and the present inequality of representation, as well as many other faults of the Constitution, be amended to the general satisfaction of the people.

There is one feature in the Constitution of North Carolina which deserves to be particularly mentioned, as

the only part which excited the enthusiasm of Samuel Johnston, and which reconciled him to it as the foundation of a permanent government. It is the principle upon which the Senate is constituted. To be eligible to the Senate, a citizen must own in fee simple in the county which he represents, not less than three hundred acres of land, and the elector of a Senator must likewise be the proprietor of fifty acres. Thus the Senate is emphatically the representative of the landed interest of the State, and to such an extent, too, as to prove an admirable shield for the protection of property in times of general commotion and distress. Whenever the Constitution is assailed, the Senate is peculiarly its champion; and the land-holders of the State should cautiously guard every encroachment on the integrity of an instrument, in which their rights as well as the safety of their property are so well secured.

I shall conclude this chapter by a notice of a few of the Ordinances passed by the Congress, as incidental to the Constitution. The first elected Richard Caswell Governor, Cornelius Harnett, Thomas Person, William Dry (formerly one of the King's council), William Haywood, Edward Starkey, Joseph Leech, and Thomas Eaton members of the Council of State, and James Glasgow, Secretary of State; and thus the government was organized.

Another Ordinance, which was introduced by Thomas Jones, secured to the Church the titles of Church lands and houses of public worship, and "quieted the proprietors in the peaceable possession of the same." The prejudice against the Church, on account of its connexion with the Royal government, though very strong in North Carolina as in the other States, was not sufficiently so to

destroy its rights, and this Ordinance seems to have passed without opposition from any quarter. Another Ordinance appointed Thomas Jones, Samuel Johnston, Archibald Maclaine, James Iredell, Abner Nash, Christopher Neale, Samuel Ashe, Waightstill Avery, Samuel Spencer, Jasper Charlton, and John Penn, to review and consider all such Statutes and Acts of Assembly as had been or were in force in the State, and "to prepare such Bills to be passed into Laws, as might be consistent with the genius of a free people," and to lay them before the next Assembly.\*

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\* The subjoined extract from the Journal of the Congress on the 23d of December, 1776, illustrates the views of the Congress as to the duration and inviolability of the American Union. Mr. Jones, from the committee to take into consideration the case of Joseph Hewes and Robert Smith, Esqrs., and to prepare a remonstrance to the General Congress and the Assembly of Massachusetts Bay, laid the said memorials and remonstrances before the House; which were read, agreed to, and are as follows:

"The Memorial of the State of North Carolina to the Delegates of the United States of America in Congress Assembled, sheweth,

"That about twelve months past, Messrs. Joseph Hewes and Robert Smith, of Edenton, merchants, and free citizens of this State, loaded a certain brigantine called the Joseph, under the command of Emperor Mosely, and sent her to Cadiz, in Spain, where she was detained until the 19th day of October by British ships of war, which cruised off the said port. That on the 11th day of November last, she, the said brigantine, being on her return to Edenton, with 3000 bushels of salt, a quantity of wine, Jesuits' bark, and other articles of very considerable value, was seized and made a prize of by a privateer belonging to Boston in the State of Massachusetts Bay, named the Eagle, and commanded by Barzillai Smith, and said to be the property of Elijah Freeman Paine, as by the deposition hereunto annexed will appear.

"That the said capture appears to this State to be a direct violation of the peace and Union of the United States, and contrary to the laws of all civilized nations in general, and to the rights of the

citizens of this State in particular. This State, ever watchful over the rights of its members, expects that strict justice will be done in the premises either by the captors or the State of Massachusetts Bay, and have no doubt but the Delegates of the United States will effectually interpose to have justice done injured citizens, and to punish those atrocious violators of all law and justice, whose avarice and rapacity, if not timely checked, cannot fail to be attended with the most fatal consequences to the *American Union*."

There was likewise a remonstrance to the State of Massachusetts Bay, which, after stating in detail the premises, concluded as follows : " The aforesaid capture being contrary to the law of nations, and in direct violation of the peace and Union of the United States, and the rights of the citizens of the State of North Carolina, the said State expects that the State of Massachusetts Bay will cause inquiry to be made concerning the premises, and make effectual provision against such violence, and also cause full restoration and indemnification to be made to the said Joseph Hewes and Robert Smith, for their brigantine and cargo, and the damage occasioned by the capture aforesaid."

## PART II.

### THE MECKLENBURG DECLARATION OF INDEPENDENCE, ON THE 20TH OF MAY, 1775.

THE county of Mecklenburg, which at the time of this Declaration included the present county of Cabarrus, lies in the western part of the State of North Carolina. It was settled by emigrants from Great Britain, many of whom remained a few years on the shores of the Delaware before their final settlement in North Carolina. The families of the Polks and the Alexanders were among this class; and I believe I date the period of their arrival in the State with sufficient exactness, when I say it was about the year 1750. The Alexanders were Scotch Presbyterians, and, I am inclined to think, came to the south several years after the Polks.

The reader will observe, among the signers of the Declaration, many of the Alexanders and one of the Polks. The names of Brevard, Phifer, Davidson, Avery, and indeed of all the *twenty-five*, are familiar to me as genuine North Carolina families; names which are associated with honor and valor in nearly every event in the course of the war; and which are intimately

blended with the independence of the country, not only in the act of its conception, but still more so in the battle-fields which gave it such triumphant success. Whilst the Sage of Monticello was pondering on the various projects of a reconciliation with the mother country, and never for once looking beyond "*that desirable end*"; while Virginia and even Massachusetts were continually avowing allegiance to the Throne; and North Carolina herself, through the medium of her Congress, was declaring that independence was not her object, the people of Mecklenburg, with the sagacity of an honest and injured race, untutored in the craft and cunning of politics, recoiled at once on the power that oppressed them, and dissolved for ever the unhallowed union of British domination and American allegiance. A junto of politicians would have recommended forbearance, and pointed to some future and more propitious period for action; but in the simplicity of their hearts they appealed to the law of nature indelibly stamped upon the human bosom, that when power becomes tyranny, resistance is a duty and the God of battles must decide.

Tradition ascribes to Thomas Polk the principal agency in bringing about the Declaration. He appears to have given the notice for the election of the Convention, and (being the Colonel of the county) to have superintended the election in each of the militia districts. He had been for a long time engaged in the service of the Province as a surveyor, and as a member of the Assembly; and was thus intimately acquainted, not only in Mecklenburg, but in the counties generally. His education had been acquired, not within the classic walls of an English university, but among his own native hills, and

amidst the passions and feelings of his countrymen. Dr. Ephraim Brevard (the author of the Declaration), and Waightstill Avery (the first Attorney-General of North Carolina), were men of the highest classical attainments, and, contributing their enlightened resources to the shrewd native enthusiasm of Thomas Polk, produced a Declaration at that time unrivalled, not only for the neatness of its style, but for the moral sublimity of its conception.

The tribute which I pay is, however, not my own. My opinions are supported by the following letter of the late John Adams, a patriot whose services in the adoption of the National Declaration are of a higher order than those of mere composition.

COPY OF A LETTER FROM JOHN ADAMS TO THOMAS JEFFERSON.

“ Quincy, 22d June, 1819.

“ DEAR SIR,

“ May I enclose you one of the greatest curiosities, and one of the deepest mysteries that ever occurred to me ; it is in the *Essex Register* of June the 5th, 1819. It is entitled, from the *Raleigh Register*, ‘Declaration of Independence.’ How is it possible that this paper should have been concealed from me to this day. Had it been communicated to me in the time of it, I know, if you do not know, that it would have been printed in every Whig newspaper upon the continent. You know, that if I had possessed it, I would have made the Hall of Congress echo and re-echo with it fifteen months before your Declaration of Independence. What a poor ignorant, malicious, short-sighted, crapulous mass is Tom Paine’s *Common Sense* in comparison with this paper. Had I known it I would have commented upon it from the day you entered Congress till the fourth of July, 1776.

“ The genuine sense of America at that moment was never so well expressed before nor since. Richard Caswell, William Hooper, and Joseph Hewes, the then Representatives of North Carolina in Congress, you know as well as I ; and you know that the unanimity of the States finally depended on the vote of Joseph Hewes, and was



finally determined by him; and yet history is to ascribe the American Revolution to Thomas Paine. *Sat verbum sapienti.*

“ I am, dear sir, your invariable friend,

“ JOHN ADAMS.

“ PRESIDENT JEFFERSON.”

Mr. Adams, it seems, believed the truth of the Declaration at the date of this letter, which the reader will perceive is the same which provoked the scandalous and abusive epistle of Mr. Jefferson. The latter gentleman could not appreciate the document, and obviously winced under the high praises which his correspondent so zealously lavished on it. “The genuine sense of America at that moment was never so well expressed,” and besides too, it was absolutely “fifteen months before your declaration.” Here is the grand secret of Mr. Jefferson’s hostility to the Mecklenburg Declaration, the occult motive of his infamous abuse of the character of William Hooper, and of his insulting disclaimer of “any doubtfulness in North Carolina.” The Alexanders, the Polks, the Brevards, and their associates, instead of becoming learned upon the various plans and projects of reconciliation, and sagaciously studying out what would, and what would not, be popular or successful, declared themselves free and independent, “and this was their crime.” The altar and the god they sunk together, fully a year before the Sage of Monticello had ceased his vows, or had surrendered his hopes of inventing a plan of reconciliation; “and for this they could never be forgiven.” They have left behind them in the memory of their countrymen, beyond the reach of a public calumniator,

“ a name of fear

That tyranny shall quake to hear;

And left their sons a hope, a fame,

They, too, should rather die than shame.”

THE MECKLENBURG DECLARATION  
OF INDEPENDENCE.

(20TH OF MAY, 1775.)

“That whosoever directly or indirectly abets, or in any way, form, or manner, countenances the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America, and to the inherent and unalienable rights of man.

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

“That we do hereby declare ourselves a free and independent people;—are, and of right ought to be, a sovereign and self-governing association, under the control of no power, other than that of our God, and the general government of the Congress;—to the maintenance of which independence, we solemnly pledge to each other, our mutual coöperation, our lives, our fortunes, and our most sacred honor.

“That as we acknowledge the existence and control of no law nor legal officer, civil or military, within this county, we do hereby ordain and adopt as a rule of life, all, each, and every of our former laws; wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, immunities, or authority therein.

“That it is further decreed, that all, each, and every military officer in this county, is hereby reinstated in his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz. a Justice of the Peace, in the character of a Committee-man, to issue process, hear, and determine all matters of controversy, according to said adopted laws; and to preserve peace, union, and harmony in said county; and to use every exer-

tion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

“ ABRAHAM ALEXANDER, *Chairman*.

“ JOHN McKNITT ALEXANDER, *Secretary*.

“ Ephraim Brevard	William Graham	Matthew McClure
Hezekiah J. Balch	John Queary	Neil Morrison
John Phifer	Hezekiah Alexander	Robert Irwin
James Harris	Adam Alexander	John Flenniken
William Kennon	Charles Alexander	David Reese
John Ford	Zaccheus Wilson, sen.	John Davidson
Richard Barry	Waightstill Avery	Richard Harris, sen.
Henry Downe	Benjamin Patton	Thomas Polk.”
Ezra Alexander		

The Declaration, which I have just laid before the reader has been noticed by several historians of a later date, than the period of its first appearance in the *Raleigh Register*. Mr. Pitkin, in his excellent “ Political and Civil History of the United States,” has done ample justice to its importance, as the first public avowal of independence. It is, however, important that some contemporary record of so important an event should be exhibited, as the best evidence of its truth; and I therefore adduce an extract from the Proclamation of Governor Martin, which is to be found on the 185th and 186th pages of this volume, and which, it will be observed, was issued on the 8th of August, 1775.

“ And whereas I have also seen a most infamous publication in the Cape Fear *Mercury*, importing to be resolves of a set of people styling themselves a Committee for the County of Mecklenburg, most traitorously declaring the entire dissolution of the laws, government, and constitution of this country, and setting up a system of rule and regulation repugnant to the laws, and subversive of His Majesty’s Government.”

A copy of this important state-paper was addressed to Samuel Johnston, Moderator of the Provincial Con-

gress, at Hillsborough, and was laid before that body by him on Friday the 25th day of August, 1775.\* A printed copy of the same was found a few years since by that indefatigable antiquarian and devoted student, Peter Force, and so much of it as related to the Mecklenburg Declaration was republished in the papers of the day.

For the preservation of the copy of the Declaration now in the Executive office of North Carolina, we are indebted to General Davie, among whose papers it was found in a somewhat injured state. A copy of it was likewise in the possession of Dr. Williamson, which copy Governor Montfort Stokes (in the State pamphlet) declares he saw in the possession of the Doctor, during the year 1793. The original book in which the proceedings of the Mecklenburg Convention were recorded, and which contained the original Resolves, properly signed, was destroyed by fire about the year 1800; and I esteem myself fortunate in being able to appeal to such high personal testimony as that of General Davie and Governor Stokes, in establishing the identity of the Declaration.

But there is perhaps higher authority to attest the identity of the Declaration. The late Reverend Humphrey Hunter, a soldier of the Revolution, left behind him a "Journal of the War in the South"; and, as he was an eyewitness of the proceedings of the Mecklenburg Convention, he has handed down to us the same Declaration as the one which was kept by General Davie.

I have, in the Introduction to this work, stated the fact, that a pamphlet contradicting the tenor of Mr. Jefferson's letter was published by the authority of the Assembly of North Carolina, during the year 1831. A great variety

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\* See Journal of the Congress.

of evidence was adduced to show the truth of the Mecklenburg Declaration, the whole of which was neatly summed up in the introductory remarks of Governor Stokes, then Governor of the State. The certificate of Captain James Jack,\* of Elbert County, Georgia, who bore the Declaration to Philadelphia; a letter from John Davidson, the last surviving Signer; the Manuscript Journal of the Rev. Humphrey Hunter, detailing the whole proceeding, and giving the exact Declaration; a letter from General Joseph Graham of Lincoln, who was present on the 19th and 20th of May, 1775; and finally the personal testimony of the late lamented Colonel William Polk, of Raleigh, who was likewise present on the occasion,—were all produced, and put forth to establish the truth of the Mecklenburg Declaration. The high character of the evidence thus produced was vouched by the authority of the State, and the whole was submitted to the candid decision of the world. I have supported this mass of testimony by the Proclamation of Governor Martin, a contemporaneous record of the event; which places beyond all suspicion the fact, that the people of Mecklenburg declared themselves free and independent, more than one year anterior to the conception of a National Declaration.

The government, which the people of Mecklenburg established after the Declaration, was composed of a Committee of Public Safety; and the chairman of this body was entrusted with the power of an executive officer. The Convention was in session two days; and, during this period, the necessary by-laws and regulations were enact-

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\* I omit the certificate for want of room; it is, however, to be found in the State pamphlet.

ed. The people of Mecklenburg, after this event, lived under this government until the adoption of the Constitution, acknowledging no sovereign but their united will, and no authority but that of their own choice. Nor was it a government without energy. The letter of General Graham \* relates the capture of Dunn and Booth; and for the perfect correctness of his statements, I appeal to the Journal of the Congress for August, 1775. Under the administration of Abraham Alexander, the Chairman of the Committee of Public Safety, the laws enacted were rigorously enforced; and each citizen, whenever he left the county, carried with him a certificate of character officially signed by the chairman. I here submit one

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\* I here present the letter of General Graham, and the extract from the Journal of the Rev. Humphrey Hunter, both taken from the State pamphlet.

GEN. GRAHAM'S LETTER.

*"Vesuvius Furnace, 4th October, 1830.*

"DEAR SIR,

"Agreeably to your request, I will give you the details of the Mecklenburg Declaration of Independence on the 20th of May, 1775, as well as I can recollect after a lapse of fifty-five years. I was then a lad about half grown, was present on that occasion, (a looker on.)

"During the winter and spring preceding that event, several popular meetings of the people were held in Charlotte; two of which I attended. Papers were read, grievances stated, and public measures discussed. As printing was not then common in the South, the papers were mostly manuscript; one or more of which was from the pen of the Reverend Dr. Reese (then of Mecklenburg), which met with general approbation, and copies of it circulated. It is to be regretted that those and other papers published at that period, and the journal of their proceedings, are lost. They would show much of the spirit and tone of thinking which prepared them for the measures they afterwards adopted.

"On the 20th of May, 1775, besides the two persons elected from each militia company (usually called Committee-men), a much



The people of Mecklenburg had no experienced politician to lead them ; — no Richard Henry Lee, who, skilled in the party tactics of the day, and conversant with the views respecting us abroad, could bring to their aid the reputation and ability of a leader. Their leaders

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There appeared great indignation and contempt at the speech of the member. Some said it was nonsense ; others that allegiance and protection were reciprocal ; when protection was withdrawn, allegiance ceased ; that the oath was only binding while the King protected us in the enjoyment of our rights and liberties as they existed at the time it was taken ; which he had not done, but now declared us out of his protection ; therefore it was not binding. Any man who would interpret it otherwise, was a fool. By way of illustration, pointing to a green tree near the Court-House, he stated, if he was sworn to do any thing as long as the leaves continued on that tree, it was so long binding ; but when the leaves fell, he was discharged from its obligation. This was said to be certainly applicable in the present case. Out of respect for a worthy citizen, long since deceased, and his respectable connexions, I forbear to mention names ; for, though he was a friend to the cause, a suspicion rested on him in the public mind for some time after.

“ The sub-committee appointed to draft the resolutions returned, and Doctor Ephraim Brevard read their report, as near as I can recollect, in the very words we have since seen them several times in print. It was unanimously adopted, and shortly after it was moved and seconded to have proclamation made and the people collected, that the proceedings be read at the Court-House door, in order that all might hear them. It was done, and they were received with enthusiasm. It was then proposed by some one aloud to give three cheers and throw up their hats. It was immediately adopted, and the hats thrown. Several of them lit on the Court-House roof. The owners had some difficulty to reclaim them.

“ The foregoing is all from personal knowledge. I understood afterwards, that Captain James Jack, then of Charlotte, undertook, on the request of the committee, to carry a copy of their proceedings to Congress, which then sat in Philadelphia ; and on his way, at Salisbury, the time of court, Mr. Kennon, who was one of the committee who assisted in drawing the Declaration, prevailed on



were men of sterling patriotism more than of profound sagacity. Endowed with an intense passion for freedom, they could not listen without emotion to the clang of arms, from the fields of Lexington, or hear of "the shedding of the innocent blood of American patriots," without

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Captain Jack to get his papers, and have them read publicly; which was done, and the proceedings met with general approbation. But two of the lawyers, John Dunn and a Mr. Booth, dissented, and asserted they were treasonable, and endeavoured to have Captain Jack detained. He drew his pistols, and threatened to kill the first man who would interrupt him, and passed on. The news of this reached Charlotte in a short time after, and the executive of the committee, whom they had invested with suitable powers, ordered a party of ten or twelve armed horsemen to bring said lawyers from Salisbury; when they were brought, and the case was investigated before the committee. Dunn, on giving security and making fair promises, was permitted to return, and Booth was sentenced to go to Camden, in South Carolina, out of the sphere of his influence. My brother George Graham, and the late Col. John Carruth, were of the party that went to Salisbury; and it is distinctly remembered, that when in Charlotte they came home at night, in order to provide for their trip to Camden; and that they and two others of the party took Booth to that place. This was the first military expedition from Mecklenburg in the Revolutionary war, and believed to be the first any where to the South.

"Yours respectfully,"

"J. GRAHAM.

"DR. JOS. M'KT. ALEXANDER,

"*Mecklenburg, N. Carolina.*"

EXTRACT FROM THE MEMOIR OF THE LATE REV. HUMPHREY  
HUNTER.

"Orders were presently issued by Col. Thos. Polk to the several militia companies, that two men, selected from each corps, should meet at the Court-House on the 19th of May, 1775, in order to consult with each other upon such measures as might be thought best to be pursued. Accordingly, on said day a far larger number than two out of each company were present. There was some difficulty

striking down for ever that Mother Flag, which had waved so proudly for ages over the heads of their ancestors. The county of Kent has been rendered immortal in English History by the invincibility of her Saxon spirit. She bravely and successfully resisted the rude innovation

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in choosing the commissioners. To have chosen all thought to be worthy, would have rendered the meeting too numerous. The following were selected, and styled Delegates, and are here given, according to my best recollection, as they were placed on roll: Abram Alexander, sen'r, Thomas Polk, Rich'd Harris, sen'r, Adam Alexander, Richard Barry, John M'Knitt Alexander, Neil Morison, Hezekiah Alexander, Hezekiah J. Balch, Zaccheus Wilson, John Phifer, James Harris, William Kennon, John Ford, Henry Downs, Ezra Alexander, William Graham, John Queary, Chas. Alexander, Waitstill Avery, Ephraim Brevard, Benjamin Patton, Matthew M'Clure, Robert Irwin, John Flenniken, and David Reese.

"Abram Alexander was nominated, and unanimously voted to the Chair. John M'Knitt Alexander and Ephraim Brevard were chosen Secretaries. The Chair being occupied, and the Clerks seated, the House was called to order and proceeded to business. Then a full, a free, and dispassionate discussion obtained on the various subjects for which the delegation had been convened, and the following resolutions were unanimously ordained :

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

"2d. Resolved, That we, the citizens of Mecklenburg county, do hereby dissolve the political bands which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connexion, contract, or association, with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

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

of the haughty Norman; and, although she now stands almost undistinguished on the map of England, the revolution of ages, and not the sword, annihilated her distinctive character and institutions. And thus may the county of Mecklenburg be celebrated by some more fortunate pen,

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that of our God and the general government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual coöperation, our lives, our fortunes, and our most sacred honor.

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

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

“Those resolves having been concurred in, by-laws and regulations for the government of a standing Committee of Public Safety were enacted and acknowledged. Then a select committee was appointed, to report on the ensuing day a full and definite statement of grievances, together with a more correct and formal draft of the Declaration of Independence. The proceedings having been thus arranged and somewhat in readiness for promulgation, the Delegation then adjourned until to-morrow, at 12 o’clock.

“The 20th of May, at 12 o’clock, the Delegation, as above, had convened. The select committee were also present, and reported agreeably to instructions, viz. a statement of grievances and formal draft of the Declaration of Independence, written by Ephraim

when the dawning era of our freedom shall, in the lapse of time, become matter of curiosity, and its origin be sought for only to limit the period of its duration. The events of the 19th and 20th of May, 1775, will be recorded in letters of living light, as the first of a series of deeds, that laid the foundations of our magnificent empire.

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Brevard, chairman of said committee, and read by him to the Delegation. The resolves, by-laws, and regulations were read by John M'Knitt Alexander. It was then announced from the Chair, 'Are you all agreed?' There was not a dissenting voice. Finally, the whole proceedings were read distinctly and audibly, at the Court-House door, by Col. Thomas Polk, to a large, respectable, and approving assemblage of citizens, who were present, and gave sanction to the business of the day. A copy of all those transactions were then drawn off, and given in charge to Capt. James Jack, then of Charlotte, that he should present them to Congress, then in session in Philadelphia.

"On that memorable day, I was 20 years and 14 days of age, a very deeply interested spectator, recollecting the dire hand of oppression that had driven me from my native clime, now pursuing me in this happy asylum, and seeking to bind again in the fetters of bondage.

"On the return of Capt. Jack, he reported that Congress, individually, manifested their entire approbation of the conduct of the Mecklenburg citizens; but deemed it premature to lay them officially before the House."

## PART III.

### THE CHARACTER OF WILLIAM HOOPER.

THE reader will remember that this gentleman is denounced in the offensive letter of Mr. Jefferson, as the rankest Tory in Congress, and that no evidence whatever was there produced to sustain this charge against the character of one of the signers of the National Declaration. The mere act of signing that Declaration should be a sufficient refutation of the calumny ; for the imputation of Toryism against Mr. Hooper is proclaimed as having been notorious at the period of the Mecklenburg Declaration, more than a year before the 4th of July, 1776. "The paper speaks, too, of the continued exertions of their delegation (Caswell, Hooper, and Hughes) 'in the cause of liberty and independence : ' now you remember as well as I do, that we had not a greater Tory in Congress than Hooper." Such is the emphatic language of the letter. No facts are presented, to attest its truth ; no circumstances in the life of Hooper are appealed to, as calculated to inspire doubt or suspicion as to his patriotism. The mere declaration of the writer's opinion must be received as positive and solemn proof, and the character of North Carolina determined upon accordingly. The vanity of Mr. Jefferson had been so long nourished by the adulation of his party, that, in the latter part of

his life, he really supposed himself infallible, and acted as though the gods had placed him upon the summit of his own Monticello, to pass sentence on the sins and reward the virtues of the inhabitants of the New World.

This vainglorious delusion of the sage was encouraged by his party. In all controversies, political, religious, or literary, they recurred to their founder, and obeyed his responses with all the submission of idolatrous homage. Was the patriotism of Brutus or the respective claims of Cicero and Demosthenes to the palm of supremacy to be settled, the oracle of Monticello was consulted and his decrees obeyed. The divinity of the Saviour, the integrity of his religion, as well as the sublimity of the Koran, were alike subjected to his will. The vexed question of the superior richness and variety of languages was at once adjusted by his fiat; and all his followers are still content, piously to abhor the exquisite melody and richness of their own native tongue, and to hurrah for the flexibility of the French, a language which they neither read, speak, nor understand when spoken. The orthography of our language too has been sometimes revolutionized by this radical autocrat; and, as he was in the habit of ruling many of the leading men of North Carolina, he would sometimes condescend to change the orthography of their names, and I shall henceforth expect to find every idolator of Mr. Jefferson, not only denouncing Mr. Hooper as a Tory, but fiercely contending that Hewes is only properly spelt when it reads *Hughes*.

There is no apology for this slavish subservience. There is about the character of Mr. Jefferson, none of that frankness which captivates the enthusiastic spirit of a young man. Unlike General Jackson, he gathered

no laurels in the defeat of hostile armies, or in the subjugation of barbarian tribes. The ambitious youth does not read in the primer of education of his hardships and fatigues in military campaigns, or of his valor in the field of New Orleans. His scholarship shrinks into contemptible pedantry when tested by critical ingenuity; and his philosophy, so well illustrated by his lucubrations on the winds of Virginia, into "ingenious perversions of truth." By his constant abuse of Washington, Marshall, Lee, and all the nobler sons of Virginia; by his decided opposition to the Constitution of the United States; and finally, by his political victory in 1801, he secured to himself the imperishable reputation of the leader of the mob. By his pretensions to the character of a scholar and a philosopher, he has drawn to his support all the literary and political pedants of Virginia; and, thus fortified by the close adherence of the dregs of every class of society, he ruled his country, from President to President, through a period of more than twenty years. Thus fortified too, he went triumphantly through the great contest of the Embargo, crushing the property of the country by the prostration of trade; and, entailing on his country two successive Virginian administrations, the same corrupt power controlled the property of the people during the progress of a three years' war. Appealing to the lowest passion in the human bosom, the jealousy of the idle and ignorant against the holders of property and all permanent institutions, he gathered around him the factious, ignorant, and discontented portion of the people, and, by the distribution of offices and other favors, controlled through them the government of the country. "Froth rides the stormiest wave."

To all such men William Hooper was naturally opposed. Endowed with a most liberal education, (having been graduated at Harvard College, at the head of his class, in 1760), his zeal was not to be aroused by one whose prototype was Ulysses, while the combined characters of Nestor and Ajax were represented in the person of Washington. He had been bred to the profession of the law in the office of James Otis ; and, imbibing from his master his political principles, he commenced the practice of his profession in 1767, in North Carolina, a decided Whig. His familiar intercourse with the great patriot of Massachusetts gave him an opportunity of becoming acquainted with the rights of the colonies and the aggressions of the ministry ; and accordingly we find him conspicuous in all committees entrusted with the definition and publication of the nature of the controversy. In 1773, when he first appeared in the Assembly, he commenced an active and leading career ; and, continuing in the confidence of the people, he was one of the original projectors of the first Provincial Congress. He was emphatically in advance of the spirit of the times, and conceived the project of Independence long before even the initiatory steps had been taken by any of the patriots of that day. I appeal to the following letter.

LETTER FROM WILLIAM HOOPER TO JAMES IREDELL.

(APRIL 26TH, 1774.)

“ DEAR SIR,

“ You have great reason to reproach me that I have not long before this answered your most acceptable letter of the 30th of December last. Attribute my neglect to business which I might have postponed, to forgetfulness, to indolence ; but by no means to want of respect, for be assured that this had not the smallest share in the omission. It is a crime however which, in some degree, has carried its punishment with it, as it has deprived me of



a repetition of your epistolary favors hitherto, from which I might have derived ample instruction and amusement.

“ It has afforded me the utmost pleasure, that, notwithstanding the multiplicity of business in which you are engaged, you have found some leisure moments to dedicate to the investigation of those political subjects which have engaged the attention and hurt the peace of this province. Every man who thinks with candor is indebted to you for the share you have taken in this interesting controversy. You have discussed dry truths with the most pleasing language, and have not parted from the most refined delicacy of manners in the warmth of the contest. It is a circumstance which much enhances the merit of the performances written in opposition to the measures of government, that those who have attempted to answer them have for argument substituted personal invectives, and have lost sight of the measure to run foul of the man.

“ I am happy, dear Sir, that my conduct in public life has met your approbation. It is a suffrage which makes me vain, as it flows from a man who has wisdom to distinguish, and too much virtue to flatter. If I have served the public in any respect, I have done no more than my duty; if I have adopted measures inconsistent with the public good, and pursued the completion of them, it is to be charged upon my understanding, for my heart hath had no share in the transgression. I shall meet the censure of the world with indifference, wrapt in that applause which no external circumstances can rob me of,—that I have done my endeavours to the best of my knowledge to serve my country.

“ With a pleasure which words can scarce express, I have gone hand in hand with those whose virtue baffled the severest trial, by making a sacrifice of private interest to the promotion of the public good; who in private life maintained a character exemplary in being upright, and by the independent rectitude of their conduct in public life, and the open, generous manner in which they expressed their sentiments, might rival the dignity of a more august senate than that in which they were placed. While the scene of life in which I was engaged with them would have rendered any reserve on my part not only improper, but even culpable, you were destined for a more retired, but not less useful conduct; and whilst I was active in contest, you forged the weapons which were to give success to the cause which I supported. To your most intimate friends I am indebted for the discovery of you as a writer; and you will pardon them for the luxury they have furnished me in an

opportunity of being grateful to an author who claims no reward for serving the public, but the pleasure of it, and deals out his bounty to them without suffering them to know the hand from which it flows.

“ With you I anticipate the important share which the colonies must soon have in regulating the political balance. *They are striding fast to independence, and ere long will build an empire upon the ruin of Great Britain* ; will adopt its constitution purged of its impurities, and from an experience of its defects will guard against those evils which have wasted its vigor and brought it to an untimely end. From the fate of Rome, Britain may trace the cause of its present degeneracy, and its impending destruction. Similar causes will ever produce similar effects. The extent of the British dominion is become too unwieldy for her to sustain. Commerce hath generated a profusion of wealth, and luxury and corruption, the natural attendants of it. Those to whom are entrusted the conduct of the state, are too much absorbed in debauchery to attend to the rights of the constitution, or too enervated to dare to support them. Venality is at the standard it was when Jugurtha left Rome, with this difference, that subjects are now found who have wealth enough to make the purchase, and have advanced very far in the infamous traffic. What Sir Robert Walpole gained by the artful use of the public treasury is now the voluntary contribution of individuals, and subjects vie with each other in the pious purpose of subverting the constitution. In Britain the attack must soon produce its purpose ; it is directed at the freedom of election, its success buys the independence of Parliament, and then farewell Old England.

“ They, who view things superficially, are induced to believe, from the authority which the mother country maintains abroad, that the body politic is in the highest vigor. Appearances deceive them. What strikes them as the glow of health, is but the flushing of a fever. The coloring is transitory and fatal. Rome in its greatest lustre was upon the verge of dissolution ; an internal malady preyed upon its vitals, which became the more dangerous from being concealed. Good fortune is a powerful enemy to virtue, and mankind become abandoned in proportion to the strength of temptation, and the facility of being gratified. Her ambition was sated. She sat down in indolence to enjoy the fruits of conquests, regardless of the means by which they were to be supported. Luxury and dissipation ensued. The amusements which they had formerly pursued, and which had conspired to brace their nerves and give

vigor to their constitution, and thus prepared them for action, took a different turn; the refinement of the arts and sciences, while it softened the ferocity of their manners, depraved the purity of their morals, and Rome, from being the nursery of heroes, became the residence of musicians, pimps, panders, and catamites. Their extravagance and profusion every day excited new wants, while the sources were no longer open from whence they were to be supplied. The provinces, dependent on them who had now added the Roman discipline to their own native bravery, prepared to subdue their conquerors with the arms which they had put into their hands. Wearied with being made the mere instruments of pleasure and convenience to Rome, they began to feel their own importance and to aim at independence. The Empire, no longer in a situation to give laws to her remote dependencies, and to enforce obedience by the exercise of her own strength, had recourse to barbarians for succour, and shuddered at the cabals of her own subjects. She fell a sacrifice to a herd of savage miscreants, and the most polished state in the world sunk at once into absolute barbarism. She had been some time ripe for this fate. Some one of enterprise was wanting to make the attempt. Reserve the catastrophe, and might not Great Britain be the original from which this picture is taken?

“America is perhaps reserved to be their asylum; may they find it the asylum of liberty too. Be it our endeavour to guard against every measure that may have a tendency to prevent so desirable an object. Thus I have forced upon you my undigested thoughts upon a subject, which some hints in your letter have drawn me into the discussion of, with a prolixity that will require all your good nature to excuse.

“I know too well your reverence for our Constitution not to forgive it in another, although it borders upon enthusiasm. There may be an excess even in virtue. Adieu, dear Sir. I flatter myself that this may be introductory to a frequent and intimate correspondence between us, in which, though I am to be the only gainer in point of instruction or amusement, yet I shall in a manner thereby make you my debtor by furnishing you the highest entertainment,—the luxury of obliging a friend.

“I am, dear Sir,

With the most cordial esteem,

Your most ob't, humble serv't,

“WILL. HOOPER.

“*From the Sound, April 26, 1774.*

“By way of Postscript. By a Letter from Charlestown, I am informed the Crown Land Office is open, but upon different terms from what it formerly was.”

The charge of Toryism against the author of this letter “deserves only to be mentioned to be despised.” I challenge the whole corps of Virginia historians, politicians, editors, and orators, to produce a paper of such a character at so early a period of the struggle. With a date long before the meeting of the Continental Congress, it equals, in the boldness of its language and the intrepidity of its thoughts, the Fourth of July declaration of that body, a crisis which was matured by two years of deep consultation, and which was at last approached by cautious and indeed timid footsteps. The National Declaration, the adoption of the Federal Constitution, and indeed the whole subsequent history of the country, have been but the fulfillment of its splendid prophecy. Had it been the composition of Mr. Jefferson, it would have been printed on satin, honored with a weekly puff in the honied pages of Ritchie, and celebrated by all the “historians of the adjacent States,” as a “gigantic step” of the Sage of Monticello. It would have been read before the Declaration on the Fourth of July and other festivals, and have found a place in the elegant epitaph that marks his grave. In North Carolina, amidst the popular hurrah for Mr. Jefferson, it has slept quietly for sixty years in the desk of the late Judge Iredell. I now publish it as the best illustration of the character of William Hooper.

The political character of Mr. Hooper as applied to the Whig government of North Carolina, will be best understood by a discussion of the part he took in the formation of the constitution of the State. It is only by

a recurrence to first principles, that the real character of a statesman is exhibited ; and the battle that was fought upon the erection of the Whig on the ruins of the Royal government in the spring and year of 1776, has afforded me, and must again afford me, an opportunity to sketch the character of one of the heroes of that day. In the struggle on the principles of the new government, Mr. Hooper coöperated with Samuel Johnston, although it is obvious he did not enter with much enthusiasm or zeal into the support of those high conservative principles, which distinguished the character of the latter. He does not appear even to have excited the jealousy of the zealous Radicals of the spring Convention of 1776, nor to have lost, in the mildness of his course, the confidence of his conservative friends. Being a Delegate in the Continental Congress, he did not mingle with much warmth in the party bickerings of his own Province ; and yet there is one clause in the present constitution, which so much excited his feelings, as to provoke the bitterest denunciation.

In the Constitution of North Carolina there is a clause restricting offices of Trust and Profit to those who believe in the truth of the Protestant Religion. This singular feature now strikes every one with astonishment, and provokes the almost universal condemnation of the educated gentlemen of the State. It is so repugnant to the feelings of an American, it is so contrary to the very nature of our institutions, to the very spirit of the Revolution, that I own I was for a long time ashamed of it, as an instance of gross bigotry and illiberality. Confident, however, that the irresistible force of public opinion would never suffer an honest citizen to be deprived of the reward that was due his merit, I consoled myself

with the reflection that it was a dead letter. Subsequent investigation into the private papers of those who formed it, has convinced me, that its importance has been magnified, and that the omission of the word *Episcopal*, in the original resolutions or *draft*, was considered as an establishment of the freedom of the Christian religion. Upon that word the battle was fought, and as it was struck out by an overwhelming voice, the project of a State religion, otherwise than that of the Christian, was considered as annihilated.

Against this principle, and all others of a like nature, Mr. Hooper zealously contended. The idea of proposing any religious test in a Constitution was to him so monstrous, that he wrote to Thomas Jones,\* of Edenton, (a High Churchman,) a letter so offensive as to interrupt their acquaintance and friendship. The reader will remark in a letter which I shall presently exhibit, the vehemence of his denunciation against such a principle, and an insinuation that the idea of a religious test originally came from Pennsylvania. It is singular that such a principle should have found support in the ranks of the Radical party. It was vehemently opposed by Harnett, Hooper, and Allen Jones, and seems to have been one of those questions upon which parties could not divide.

Although Mr. Hooper inclined towards the conservative rank, still he was too liberal to allow himself to be guided by the prejudices of party, and it was fortunate for him, as the Representative of the State in the Continental Congress, that he should have stood somewhat aloof from the local politics of his constituents. Though

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\* Letter dated the 13th of October, 1776.

opposed to the control of a rabble and the avowed advocate of the representation of property, still he did not offend the feelings of his opponents by any public exhibition of that contempt and abhorrence, which the profession of such principles is too apt to arouse in the bosom of an enlightened citizen.

Thus the political character of Mr. Hooper may be understood. The advocate of a government of energy and respectability, erected upon the property of the people, and controlled only by those who were thus doubly bound to the soil of the State. To such a man, Mr. Jefferson was, as it were by nature, opposed. Himself almost the advocate of an agrarian law, and an avowed believer in the universal equality of mankind, as the essential principle of a system of government, he must have viewed a politician of Mr. Hooper's stamp as but little better than a supporter of a Russian autocracy. The one urged on the revolution to secure the property of the people from the grasp of a tyrannical Ministry; the other engaged in the same work to ride into consequence and power upon the turbulent passions of the multitude. The one was the avowed advocate of order by the security of property and all vested rights; the other spoke to his followers of the pride and haughtiness of the rich, of the sufferings of the poor, of the terrors of legitimate power, and of the necessity of a perpetual chaos. The one loved Washington as the saviour of the constitutional liberty of his country; the other abused him as a disciple of the English aristocracy, and an adherent of the doctrine of the supremacy of the law and the constitution. It is a comparison between Oramazdes and Arimanes.

I have shown by the letter of Mr. Hooper of date

the 26th of April, 1774, that even at that early period, so far from being a Tory, he had conceived and written out the horoscope of the Independence of his country. I shall now proceed to present extracts from his letters down to the adoption of the National Declaration. They are too long to be published entire, and only the parts bearing on the character of their author are submitted.

“ FROM WILLIAM HOOPER TO SAMUEL JOHNSTON.

“ *Philadelphia, May 23d, 1775.*

“ This city has taken a deep share in the insurrection which is so generally diffused through the continent. Men, women, and children feel the patriotic glow, and think every man in a state of reprobation beyond the power of heavenly mercy to forgive, who is not willing to meet death rather than concede a tittle of the Congress creed.”

“ HOOPER TO JOHNSTON.

“ *Philadelphia, 5th of June, 1775.*

“ I wrote you lately by Mr. Hewes' vessel. I have nothing to add but to request of you to exert your utmost influence to prevail upon the people to enroll themselves in companies ; sacredly to attend to the preservation of what little gunpowder remains among them, and to rest assured that no terms will be obtained from Lord North but what are purchased at the point of the sword.”

“ HOOPER TO JOHNSTON.

“ *Philadelphia, 6th of February, 1776.*

“ Do we not play a game where slavery or liberty is the stake? — But why do I tease you, who are so much better capacitated to judge of the proper measures to be pursued than I am? But suffer me. Must you not have Brigadier-Generals in districts and superior officers over the whole? Must not very large bodies be placed immediately along the seacoast? Were I to advise, the whole force of the colony should be collected ready for immediate exertion when called for ; and bid adieu to plough-shares and pruning-hooks, till the sword could find its scabbard with safety and honor to its owner. My first wish is to be free ; my second to be reconciled to Great Britain. God grant that both may soon take place. Measures must be taken immediately. Ere this the troops of the enemy are in your country ; may you stand forth like men, and fight the cause of liberty, the cause of the living God.”



I have, in the course of my investigations of the history of North Carolina, collected a large number of Mr. Hooper's letters, and have never been able to gather from them the slightest doubt as to his patriotism. These letters are all elegantly written, and at some future and no very distant day shall be presented to the public as the consummation of that defence of his character I have here undertaken. Passing now from the extracts of his letters, we find him, in April, 1776, a member of the Provincial Congress, and acting with those who voted for Independence on the 12th of that month. After the adjournment of the Congress, he engaged in the campaign against Clinton and Governor Martin, which was waged on the Cape Fear during the month of May. Employed in these duties, he did not reach the Continental Congress until the question of Independence was settled, and the signing of his name, therefore, as it was the highest, so it was the only support he could there give that instrument.

I shall now introduce a long and valuable letter of Mr. Hooper, written after the 4th of July, in which will be found expressed the same glowing patriotism that distinguished all his compositions. I present it as an historical document, not vouching for the correctness of its estimate of the valor of the Eastern troops, although I have no question, but that Mr. Hooper wrote upon what he supposed the most correct data.

“FROM WILLIAM HOOPER, M. C.

“*Philadelphia, 27th Sept. 1776.*

“This, my dear Sir, is truly confidential, — were it not that my friend Hewes is the bearer, I should not trust it out of my own hands ; a letter which might be attended with unhappy consequences, should it fall into the power of any one disposed to make an unfriendly use of it.

“I have waited impatiently for our public affairs to take a favora

ble turn to the Eastward before I sit down to delineate to you the state of them. I have waited to little purpose ; every day gives a blacker tinge to the picture ; and I assume my pen at this stage of them, lest I should be induced hereafter to turn from the prospect with abhorrence, and be averse to trouble you upon so displeasing a contemplation.

“ You will feel yourself little obliged to me even now, that I draw off your attention from the endearing concerns of private and domestic life, from the recesses of rural and philosophic retirement, to fix it upon scenes that characterize human nature in its most depraved state, and almost tempt a man to arraign Providence, that he has been cast into being at a time, when private and political vice is at a crisis, and the measure of iniquity full and overflowing.

“ But, dear Sir, it becomes our duty to see things as they are, divested of all disguise ; and when the happiness of the present age, and of millions yet unborn, depends upon a reformation of them, we ought to spare no pains to effect so desirable a purpose.

“ I know it to be very impolitic to dwell upon his losses, to a man who is unlucky. But when you play so deep a hazard as at present, you ought not to be kept in ignorance how the game runs.

“ After the constant employment of the American army during a whole summer in fortifying Long Island and New York, General Howe landed with his army on the former ; and being opposed by a handful of our troops, whose bravery did honor to the glorious cause they fought for, with greatly superior numbers, Howe bore down all resistance, and, after having killed and wounded many, and taken near 1000 prisoners, retired to his encampment, now enlarged to that part of the Island of which he had dispossessed our friends.

“ Our men, now confined to their lines, were thought unequal to the defence of them. The enemy, possessed of heights which our troops, with all their opportunities, neglected to fortify, had the entire command.

“ Our General wisely ordered a retreat, which was conducted without any loss but that of *our honor*.

“ New York received us on our retreat, but, from what you know of its situation, not to hold us long. We retired with the loss of a great part of our stores in sight of a victorious enemy ; abandoning those works which had been reared at an immense expense, without any use but to stand as monuments of the absurdities

which must ever attend a war, conducted with raw, undisciplined troops in the field, and want of political experience in the cabinet. Would I could draw a veil of oblivion over what ensued! The enemy attempted to land a body of troops near Haerlem where we had two Brigades of Eastern forces stationed. Our men made way for them as soon as their arrival was announced. They saw; they fled; not a single man faced his enemy, or fired his gun. Our brave General flew to the scene of action, but not a man would follow him. With prayers, entreaties, nay tears, he endeavoured to cause them to rally. At one time 60 of the enemy, separated from the main body, had the pleasure of pursuing two complete *Brigades* of New England heroes. 'Where then was that spirit of freedom which animated them? Where were then the yeomanry of the country, men of property, — not mere mercenaries, — who fight the cause of freedom, and will succeed, or perish with it?' Mere words of puff. *Vox, et præterea nihil.*

"Washington is now at Col. Roger Morris's, advantageously posted; his army, however, in a condition far from pleasing. The scarcity of clothing of all kinds prevents them being clothed and covered as the season requires. Near 4000 of them are now sick, which is but small compared with those who have been returned formerly in that state.

"He has had an immense deal of trouble with the militia, who from real (*re alia*) or feigned sickness have been a constant burden to the army without any use whatever.

"Of 13 Battalions of Connecticut militia, all but 700 deserted. And these he dismissed, to save such a burdensome expense without any benefit resulting from it.

"I am sorry to find that my countrymen are become a by-word among the nations. — 'Eastern Prowess,' — 'Nation poorly,' — 'Camp difficulty,' are standing terms of reproach and dishonor. They suffer in comparison with troops to the southward of Hudson's River, who have, to a man, behaved well; and bore the whole brunt on Long Island. And that for which the Eastern troops must be damned to eternal fame; they have plundered friends and foes without discrimination. When I commend the Southern troops, I except the Philadelphia City militia, who, poltroon-like, deserted their standard, not being able to bear the absence of the muskets.

"All this is, in a great measure, to be ascribed to the present footing upon which our army has been enlisted. The enrollments have been so short, that they were scarce in the field before it was

time to disband them. They acquired no military knowledge from experience ; their service was too short to establish subordination and discipline among them.

“ Another great grievance has been the want of proper officers to command ; the scantiness of pay, or some other cause, has drawn few gentlemen into commands. Offices have been chiefly distributed among men to the Eastward, who have aimed at nothing but popularity in the army, and knew that nothing would so effectually secure it as condescension and equality. — Judge what would be the privates, when such were the officers. I am told that they have even stimulated their men to desertion, to find an excuse to follow them ; and the regimental surgeons have taken bribes to certify sickness in order to exempt soldiers from duty.

“ It is a fact that a Connecticut militia Brigadier induced his whole Brigade to run away, and then most bravely ran away himself. In a word, I begin to believe that patriotism among the common soldiers, is a bubble, and that *pay-well* and *hang-well* are the grand secrets to make an army ; — that this is a mere machine that ought never to think or act, but when acted upon ; — that it requires skillful artificers, or officers, to wind up and conduct its movements ; for when left to itself, it will soon run down, or go into irregularities which must produce confusion and ruin to itself. If once a soldier is suffered to think for himself, or reason upon the propriety of the command of his officers, farewell to suddenness and decision in execution. These are the imperfections of our present army. The enclosed will show you the method which we have taken to remedy them.

“ Thus we stand alike and contrasted. Washington, brave ; Howe, brave ; Howe experienced, Washington, not. Howe's army disciplined, orderly, satisfied, well found with every thing ; Washington's, raw troops, disorderly, discontented, and wanting almost every necessary for clothing, and very many for defence ; and the term of enlistment nearly expiring. Don't start from the picture ! It is taken strictly from the original ; and, far from exciting despair, it ought rather to rouse us from our lethargy, and induce us to remedy the evils while in our power, for yet they are so.

“ By way of back shade to the picture, I would inform you, that a few days ago, a detachment from the enemy took possession of our works at Paulus Hook ; the guard we had there retired and left them a bloodless conquest. Hewes will inform you that we

lately had some advantage in a skirmish with the enemy. That perhaps has served to keep together our present army.

“ Our privateers have been successful. I will not say any thing of our continental ships, lest I should infringe upon Hewes’ department. I fear that the want of men and cannon will prove an insuperable obstacle to their movements.

“ To what accident it is to be ascribed, I know not, but since Howe got possession of York, above one third of the city has been consumed by fire. It is reported, I know not with what truth, that Howe, who is obliged now and then to humor the Hessians, gave them one day to rejoice and riot, and that in the heat of their festivity, they made a bonfire of the city, — so says rumor ; others, with less probability, ascribe it to our forces, who were nine miles distant from it at the time.

“ The successes of Howe have given a strange spring to Toryism. Men, who have hitherto lurked in silence and neutrality, seem willing to take a side in opposition to the liberties of their country.

“ Toryism is a strange weed, the growth of a barren soil, whose vegetation is not progressive, but is indebted for a sudden existence to the sunshine of prosperity, and perishes as soon as that leaves it ; having nothing radical in itself, or the soil from which it springs, to continue its existence longer.

“ You have seen the Constitution of Pennsylvania ! *Humano capiti cervix equina juncta* ; the motley mixture of limited monarchy and an execrable democracy ; a beast without a head ; the mob made a second branch of legislation ; laws *subjected* to their revisal in order to reform them ; — a washing in ordure, by way of purification. Taverns and dram-shops are the councils to which the laws of this State are to be referred for approbation before they possess a binding influence ; — no man to be an Assembly man, unless he believes in God. Is irreligion then the flourishing growth of Pennsylvania ? and is atheism a weed that thrives there ? Sure this insinuates as much. It is a melancholy consideration, that public proceedings are now, in a great measure, the histories of those concerned in them ; and popularity, interest, office, are the strong outlines which mark the production. In this instance they all work powerfully. I shall lament that any prepossession should have taken place in Carolina, in favor of the wisdom in politics of this State, or that the name which authenticates the public acts of the Convention should have any weight to give such a plan a currency. It is truly the excrement of the expiring genius of political

phrenzy. It has made more Tories than Lord North; deserves more imprecations than the Devil and all his angels. It will shake the very being of this once flourishing country. But I am at the bottom of my page; I have performed all I promised; and have given you a tale, piteous, truly piteous; and will now leave you to indulge all the luxury of melancholy and distress for our bleeding country. Do not, however, imagine that I rather delineate the history of my own mind, than a state of facts as they are unwarped by a gloomy fancy. Do not mistake me,—my spirits have not failed me. I do not look upon present ills as incurable; I never considered the path to liberty as strewn with roses;—she keeps her temple upon the highest pinnacle on earth. They who would enter with sincerity and pure devotion, must climb over rocks and frightful precipices, covered with thorns and weeds. These miscarriages will be frequent; and how many thousands must perish in the pursuit! But the prize is worthy all the fatigue and hazard; and the adventurer, where others' journeys end, will look down with pleasure on the difficulties he has surmounted; and with triumph count the glorious wounds that have purchased to him and posterity the invaluable blessing. Thus I sport in the field of metaphor more at ease than I, till now, thought myself capable of.

“It is a standard which every man of the present day should bring himself to; and were I to choose a motto for a modern Whig, it should be, ‘*Whatever is, is right!*’ and on the reverse, ‘*Nil desperandum.*’ May you and yours ever feel those blessings which are the result of genuine goodness of heart; and may the misfortunes of the public never intrude themselves upon your domestic peace!

“When I began this scrawl, I intended it only for you, I have been led into a train of scribbling which has not left me a moment to write to the man whom I love and esteem, Mr. Iredell. In supreme confidence, give him a sight of this, and beg his remembrance of me. To your and his families, pray offer my most respectful compliments; and believe me to be, with unaltered esteem and affection,

“Your friend,

“WILLIAM HOOPER.

“SAM'L JOHNSTON, Esq.”

I have preferred the publication of Mr. Hooper's letters, as a better means of defending his character from a mere naked aspersion, to any animadversions of my

own. The one which I have just submitted, it will be seen, was strictly confidential. Mr. Hooper and Mr. Johnston were on most intimate social and political terms, and their correspondence the most labored and valuable I have met with in the State.

The best evidence of the Whig character of Mr. Hooper, was his reelection in December, 1776, to the Continental Congress. If he had been a Tory, the vigilance of the staunch Whig, Caswell, who was Governor elect of the State, and who had been so long and so intimately acquainted with him, would have detected and exposed him.

But what was the character of Mr. Hooper, as a member of the Continental Congress? That body seems to have reposed the most unlimited confidence in his patriotism, and to have called in the aid of his abilities on all important committees. In conjunction with Dr. Franklin, Robert Morris, and Richard Henry Lee, he formed the secret Committee of Foreign Intercourse. This was perhaps the most important committee ever instituted by the Congress. They were authorized to conceal important information from the Congress itself, and to keep secret agents abroad, to make agreements, and thus secretly to pledge the faith of the nation. Would a Tory have been placed upon such a committee? In the very presence, too, of "so mighty and transcendent a patriot as Mr. Jefferson?" Adorned as the Continental Congress was with the patriotism, wealth, and talents of the whole country, would they have passed over such men, to have plumed, with the honor of their unlimited confidence, the rankest Tory in Congress. Where was the boasted Whig zeal of the sage of Monticello, that he did not rise in his

place, and protest against the commission of such immensely important matters into such unworthy hands ;— matters, the miscarriage or mismanagement of which would have destroyed all hopes of foreign aid, and have soiled for ever the escutcheon of the country.

But for the purpose of destroying all skepticism as to the character of Mr. Hooper, I shall now appeal to the personal testimony of one of his contemporaries, who lived within the sphere of his acquaintance, and who, with a mind stored with the wisdom of a long, active, and patriotic life, now lives among us, as a light to cheer the darkness of the past. It was to this species of evidence that I first turned, to test the truth of Mr. Jefferson's aspersions. I have sought, and gathered too, information as to the character of Mr. Hooper, from the elder people of both sexes in Orange County, and on the Cape Fear, in both of which sections of the State he resided ; and it was scarcely an exaggeration, when I said, in the Introduction to this work, that I had " questioned every old man and old woman from Cape Hatteras to the Blue Ridge ;" and none at all, when I said, that I had not heard a single word which would support the shameful calumny of rank Toryism. In a letter which I had the honor to receive from Colonel Samuel Ashe of Cape Fear, dated on the 26th of August, 1833, he thus speaks of Mr. Hooper :

" My personal acquaintance with Mr. William Hooper, owing to the great disparity in our ages (for he was my senior by many years), was very slight, having been seldom thrown into his company after I reached manhood. But I am happy in having this opportunity of bearing my testimony in his favor. As a lawyer, as a scholar, as a man of amiable and fascinating manners, he was unrivalled by any of his contemporaries ; and as a *Whig*, he enjoyed the entire confidence of all who knew him ; and it never entered



into my mind that the soundness of his *Whig principles* had ever been questioned by any authority. From my intimate knowledge of his character, I feel warranted in saying, that he was a man of as free principles, and as ardently devoted to the cause of American liberty, as any other of the distinguished personages, who were involved in the revolution."

The unlimited confidence of the Continental Congress, of the Whigs of North Carolina, and, above all, his private letters, attest the character of Mr. Hooper. The charge of Mr. Jefferson deserves no lighter reproach, than to be pronounced a base and unprincipled falsehood, unsupported by any evidence within the range of human inquiry. A more flagrant instance of violation of truth cannot be found in the annals of cabalistic literature. It is stamped with all the malignity and captiousness of a hero who knew, in his own heart, that his boasted laurels had been purloined from the dead, and that they would be restored by the scrutiny of posterity. The character of Mr. Jefferson, like the house of the foolish man in the scripture parable, is built upon sand. It cannot stand the storm which the publication of his writings must provoke, from the hands of those whose lives are calumniated with the seeming solemnities of truth. The Hamiltons of New York, the Lees of Virginia, the Lowells of Massachusetts, and the whole country in the character of Washington, must appeal to the impartiality of posterity. As for my own part, I am content, that the aspersion of Mr. Hooper shall go down to future times contradicted by this brief analysis of his character, — confirmed as that character is by his private and public letters, and the universal admiration of his contemporaries. His letter of 26th of April, 1774, his services in the first Provincial and Continental Con-

gresses, his zeal in urging the question of Independence in the spring Convention of 1776, and finally his signature to the National Declaration, will be cherished as memorials of a patriot, when the shrine at Monticello will be irreverently visited, like that at Delphi, only as the former habitation of a heathen god.

I have thus, in the course of this work, endeavoured to defend the character of North Carolina from the abuse of one, the popularity of whose name, with many, gives a sanction even to the fiction of an impossibility. The character of Mr. Hooper, and the truth of the Mecklenburg Declaration, are important points in the estimate, which posterity will make of the character of the State. I feel confident that I have fulfilled my promise, and that the character of the former has been vindicated, and the truth of the latter established, beyond the reach of controversy. In the course of my labors, I have studiously shunned all equivocation of language, and have not hesitated to write with a bitterness of reproach correspondent to the malignity of the charge of Mr. Jefferson. The enormity of the calumny, while it demanded a patient investigation, has justified the severest denunciation.

The allusion to Mr. Hewes, in the letter of Mr. Jefferson, as an uncertain and wavering politician, tempering his zeal according to the aspect of the times, is equally as unfounded, as the other portions of his epistle. Mr. Hewes made great sacrifices in the cause of liberty, and enjoyed throughout his life the confidence of the Whig party of North Carolina. I have a great number of his private letters before me, and search them in vain for any signs of equivocation on the subject of Independence. He, for a long time, sustained himself as the only

Representative of North Carolina, and gave his vote for and signed his name to, the Declaration of Independence. He laid the resolutions of the Provincial Congress of North Carolina on Independence, before the Continental Congress, on the 27th of May,\* before those of Virginia were there presented, and gave his heart and hand to the noble cause he was thus instructed to support. But in his politics, as applied to the government of North Carolina, he was a high conservative, and urged the erection of a splendid government, independent of the control of the mob, and of course of their boasted leader. Such may have been the signs of his wavering conduct, so clearly and exclusively visible to the sage of Monticello.

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\* See Journal of the Continental Congress. . .



## APPENDIX.

### THE MILITARY ORGANIZATION OF THE STATE IN 1775 AND 1776.

The three grand divisions of the army of the State adopted by the Congress of August, 1775, were the two Continental Regiments, commanded by Generals Moore and Howe, the Minute-men, and the regular Militia. In the body of the work, I have enumerated the names of the Officers of the two first, and shall now present those of the Field-Officers of the Militia.

Samuel Jarvis, <i>Colonel.</i>	}	<i>Currituck County.</i>
Dennis Dauge, <i>Lieutenant-Colonel.</i>		
Taylor Jones, <i>Major.</i>		
Josiah Nicholson, <i>2d Major.</i>		
John Lowry, <i>Colonel.</i>	}	<i>Pasquotank County.</i>
Isaac Gregory, <i>Lieutenant-Colonel.</i>		
Demsy Burgess, <i>Major.</i>		
Joshua Campbell, <i>2d Major.</i>		
Miles Harvey, <i>Colonel.</i>	}	<i>Perquimons County.</i>
William Skinner, <i>Lieutenant-Colonel.</i>		
Thomas Harvey, <i>Major.</i>		
Richard Clayton, <i>2d Major.</i>		
Thomas Bonner, <i>Colonel.</i>	}	<i>Chowan County.</i>
James Blount, <i>Lieutenant-Colonel.</i>		
Thomas Benbury, <i>Major.</i>		
Jacob Hunter, <i>2d Major.</i>		
Thomas Whitmell, <i>Colonel.</i>	}	<i>Bertie County.</i>
Thomas Pugh, <i>Lieutenant-Colonel.</i>		
James Moore, <i>Major.</i>		
Arthur Brown, <i>2d Major.</i>		
Benjamin Wynns, <i>Colonel.</i>	}	<i>Hertford County.</i>
Matthew Brickle, <i>Lieutenant-Colonel.</i>		
Laurence Baker, <i>Major.</i>		
George Little, <i>2d Major.</i>		

Edward Buncombe, <i>Colonel.</i> Benjamin Blount, <i>Lieutenant-Colonel.</i> James Long, <i>Major.</i> Joseph Spruill, <i>2d Major.</i>	}	Tyrrell County.
William Williams, <i>Colonel.</i> Whitmell Hill, <i>Lieutenant-Colonel.</i> Thomas Wiggins, <i>Major.</i> Kenneth McKenzie, <i>2d Major.</i>	}	Martin County.
John Bradford, <i>Colonel.</i> William Alston, <i>Lieutenant-Colonel.</i> David Sumner, <i>Major.</i> Egbert Haywood, <i>2d Major.</i>	}	Halifax County.
Allen Jones, <i>Colonel.</i> William Eaton, <i>Lieutenant-Colonel.</i> Jeptha Atherton, <i>Major.</i> Howell Edmunds, <i>2d Major.</i>	}	North Hampton County.
William Haywood, <i>Colonel.</i> Sherwood Haywood, <i>Lieutenant-Colonel.</i> Joseph Moore, <i>Major.</i> Henry Horne, <i>2d Major.</i>	}	Edgecombe County.
William Person, <i>Colonel.</i> Philemon Hawkins, Jun., <i>Lieutenant-Col.</i> William Alston, <i>Major.</i> Thomas Sherwood, <i>2d Major.</i>	}	Bute County.
Samuel Spencer, <i>Colonel.</i> Charles Medlock, <i>Lieutenant-Colonel.</i> James Auld, <i>Major.</i> David Love, <i>2d Major.</i>	}	Anson County.
Thomas Polk, <i>Colonel.</i> Adam Alexander, <i>Lieutenant-Colonel.</i> John Phifer, <i>Major.</i> John Davidson, <i>2d Major.</i>	}	Mecklenburg County.
William Graham, <i>Colonel.</i> Charles Maclaine, <i>Lieutenant-Colonel.</i> Thomas Beatty, <i>Major.</i> Frederick Hambright, <i>2d Major.</i>	}	Tryon County.
Ransom Sutherland, <i>Colonel.</i> James Martin, <i>Lieutenant-Colonel.</i> John Paisly, <i>Major.</i> John Tate, <i>2d Major.</i>	}	Guilford County.
Martin Armstrong, <i>Colonel.</i> Joseph Williams, <i>Lieutenant-Colonel.</i> William Hall, <i>Major.</i> Joseph Winston, <i>2d Major.</i>	}	Surry County.
Griffith Rutherford, <i>Colonel.</i> Francis Locke, <i>Lieutenant-Colonel.</i> John Dobbens, <i>Major.</i> James Brandon, <i>2d Major.</i>	}	Rowan County.

Joseph Leech, <i>Colonel</i> .	}	<i>Craven County.</i>
John Bryan, <i>Lieutenant-Colonel</i> .		
John Benners, <i>Major</i> .		
Frederick Becton, <i>2d Major</i> .		
William Thompson, <i>Colonel</i> .	}	<i>Carteret County.</i>
Solomon Shepard, <i>Lieutenant-Colonel</i> .		
Thomas Chadwick, <i>Major</i> .		
Malachi Bell, <i>2d Major</i> .		
James Bonner, <i>Colonel</i> .	}	<i>Beaufort County.</i>
Thomas Bonner, <i>Lieutenant-Colonel</i> .		
Roger Ormond, <i>Major</i> .		
William Brown, <i>2d Major</i> .		
Rotheas Latham, <i>Colonel</i> .	}	<i>Hyde County.</i>
Benjamin Parmelin, <i>Lieutenant-Colonel</i> .		
William Russell, <i>Major</i> .		
Thomas Jones, <i>2d Major</i> .		
Needham Bryan, <i>Colonel</i> .	}	<i>Johnston County.</i>
William Bryan, <i>Lieutenant-Colonel</i> .		
John Smith, <i>Major</i> .		
Samuel Smith, Jun., <i>2d Major</i> .		
Abraham Shepard, <i>Colonel</i> .	}	<i>Dobbs County.</i>
Thomas Torrans, <i>Lieutenant-Colonel</i> .		
Martin Caswell, <i>Major</i> .		
William McKennie, <i>2d Major</i> .		
John Simpson, <i>Colonel</i> .	}	<i>Pitt County.</i>
Robert Salter, <i>Lieutenant-Colonel</i> .		
George Evans, <i>Major</i> .		
James Armstrong, <i>2d Major</i> .		
John Davis, <i>Colonel</i> .	}	<i>Brunswick County.</i>
Thomas Davis, <i>Lieutenant-Colonel</i> .		
Richard Quince, Jun., <i>Major</i> .		
Parker Quince, <i>2d Major</i> .		
William Gray, <i>Colonel</i> .	}	<i>Onslow County.</i>
Henry Rhodes, <i>Lieutenant-Colonel</i> .		
Thomas Johnston, <i>Major</i> .		
James Howard, <i>2d Major</i> .		
James Kenan, <i>Colonel</i> .	}	<i>Duplin County.</i>
Richard Clinton, <i>Lieutenant-Colonel</i> .		
Thomas Routledge, <i>Major</i> .		
James Moore, <i>2d Major</i> .		
*Thomas Rutherford, <i>Colonel</i> .	}	<i>Cumberland County.</i>
†Alex. McAlister, <i>Lieutenant-Colonel</i> .		
*Duncan McNeill, <i>Major</i> .		
*Alexander McDonald, <i>2d Major</i> .		

\* Tory.

† Whig.

William Purviance, <i>Colonel</i> .	} <i>New Hanover County.</i>
Sampson Mosely, <i>Lieutenant-Colonel</i> .	
William Mosely, <i>Major</i> .	
John Devane, <i>2d Major</i> .	
Thomas Robinson, Jun., <i>Colonel</i> .	} <i>Bladen County.</i>
Thomas Brown, <i>Lieutenant-Colonel</i> .	
Thomas Owen, <i>Major</i> .	
James Richardson, <i>2d Major</i> .	
John Hogan, <i>Colonel</i> .	} <i>Orange County.</i>
John Butler, <i>Lieutenant-Colonel</i> .	
William Moore, <i>Major</i> .	
Nathaniel Rochester,* <i>2d Major</i> .	
Joseph Taylor, <i>Colonel</i> .	} <i>Granville County.</i>
Charles R. Eaton, <i>Lieutenant-Colonel</i> .	
Samuel Smith, <i>Major</i> .	
William Williams, <i>2d Major</i> .	
John Hinton, <i>Colonel</i> .	} <i>Wake County.</i>
Theophilus Hunter, <i>Lieutenant-Colonel</i> .	
John Hinton, Jun., <i>Major</i> .	
Thomas Hines, <i>2d Major</i> .	
Ambrose Ramsay, <i>Colonel</i> .	} <i>Chatham County.</i>
Jeduthun Harper, <i>Lieutenant-Colonel</i> .	
Mial Scurloch, <i>Major</i> .	
Elisha Cain, <i>2d Major</i> .	

In the spring of 1776, the Militia system was re-organized. In several of the counties, the officers thus appointed were found to be adherents of the Royal cause, and these were not only superseded, but arraigned for trial. Such was the case with those of the county of Cumberland. The Militia of the counties of Orange, Pasquotank, and Rowan, were divided into two Regiments, and of course an additional number of officers were appointed. Many promotions, too, and several resignations occurred, and produced changes in the Militia system. I now proceed to enumerate the changes made by the Congress on the 22d of April, 1776.

Charles Medlock, <i>Colonel</i> .	} <i>Anson County.</i>
David Love, <i>Lieutenant-Colonel</i> .	
William Picket, <i>Major</i> .	
George Davidson, <i>2d Major</i> .	

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\* After whom the town of Rochester in New York was called.



William Brown, <i>Major</i> . Henry Bonner, <i>2d Major</i> .	} <i>Beaufort County.</i>
Thomas Eaton, <i>Colonel</i> . William Alston, <i>Lieutenant-Colonel</i> . Thomas Sherwood, <i>Major</i> . Green Hill, <i>2d Major</i> .	} <i>Bute County.</i>
John Bryan, <i>Colonel</i> . Lemuel Hatch, <i>Lieutenant-Colonel</i> . John Bryan, Jun., <i>Major</i> . John Tilman, <i>2d Major</i> .	} <i>Craven County.</i>
Hollowell Williams, <i>Colonel</i> . Solomon Perkins, <i>Lieutenant-Colonel</i> . Asahel Simmonds, <i>2d Major</i> .	} <i>Currituck County.</i>
Alexander McAllister, <i>Colonel</i> . Ebenezer Folsome, <i>Lieutenant-Colonel</i> . David Smith, <i>Major</i> . Philip Alston, <i>2d Major</i> .	} <i>Cumberland County.</i>
Matthew Jones, <i>2d Major</i> .	<i>Chatham County.</i>
Thomas Routledge, <i>Lieutenant-Colonel</i> . James Moore, <i>Major</i> . Robert Dickson, <i>2d Major</i> .	} <i>Duplin County.</i>
Martin Caswell, <i>Lieutenant-Colonel</i> . William McKennie, <i>Major</i> . James Glasgow, <i>2d Major</i> .	} <i>Dobbs County.</i>
Exum Lewis, <i>Colonel</i> . Simon Gray, <i>Lieutenant-Colonel</i> . Jonas Johnston, <i>Major</i> . Thomas Hunter, <i>2d Major</i> .	} <i>Edgecombe County.</i>
Thornton Yancy, <i>2d Major</i> .	<i>Granville County.</i>
James Martin, <i>Colonel</i> . John Paisly, <i>Lieutenant-Colonel</i> . Thomas Owen, <i>Major</i> . Thomas Blair, <i>2d Major</i> .	} <i>Guilford County</i>
Willis Alston, <i>Colonel</i> . David Sumner, <i>Lieutenant-Colonel</i> . James Hogan, <i>Major</i> . Samuel Weldon, <i>2d Major</i> .	} <i>Halifax County.</i>
William Bryan, <i>Colonel</i> . John Smith, <i>Lieutenant-Colonel</i> . Samuel Smith, Jun., <i>Major</i> . John Stevens, <i>2d Major</i> .	} <i>Johnston County.</i>
Adam Alexander, <i>Colonel</i> . John Phifer, <i>Lieutenant-Colonel</i> . John Davidson, <i>Major</i> . George A. Alexander, <i>2d Major</i> .	} <i>Mecklenburg County.</i>

Anthony Ward, <i>Lieutenant-Colonel.</i> Henry Young, <i>Major.</i> Thomas Bloodworth, <i>2d Major.</i>	}	<i>New Hanover County.</i>
William Eaton, <i>Colonel.</i> Jeptha Atherton, <i>Lieutenant-Colonel.</i> Howell Edmunds, <i>Major.</i> Drury Gee, <i>2d Major.</i>		
John Butler, <i>Colonel.</i> Nathaniel Rochester, <i>Lieutenant-Col.</i> Robert Abercrombie, Jun., <i>Major.</i> Hugh Tennen, <i>2d Major.</i>		
James Saunders, <i>Colonel.</i> William Moore, <i>Lieutenant-Colonel.</i> John Paine, <i>Major.</i> Thomas Harrison, <i>2d Major.</i>	}	<i>Northern Orange Regiment.</i>
Thomas Boyd, <i>Colonel.</i> Spencer Ripley, <i>Lieutenant-Colonel.</i> Othniel Lascelles, <i>Major.</i> John Casey, <i>2d Major.</i>		
Isaac Gregory, <i>Colonel.</i> Demsey Burgess, <i>Lieutenant-Colonel.</i> Joshua Campbell, <i>Major.</i> Peter Dauge, <i>2d Major.</i>		
Francis Locke, <i>Colonel.</i> Alexander Dobbens, <i>Lieutenant-Colonel.</i> James Brandon, <i>Major.</i> James Smith, <i>2d Major.</i>	}	<i>First Rowan Regiment.</i>
Christopher Beckman, <i>Colonel.</i> Charles McDowell, <i>Lieutenant-Colonel.</i> Hugh Brevard, <i>Major.</i> George Welfong, <i>2d Major.</i>		
Joseph Winston, <i>Major.</i> Jesse Walton, <i>2d Major.</i>		
Clement Crook, <i>Colonel.</i> James Long, <i>Lieutenant-Colonel.</i> Joseph Spruill, <i>Major.</i> Andrew Long, <i>2d Major.</i>	}	<i>Tyrrell County.</i>
Thomas Beatty, <i>Lieutenant-Colonel.</i> Andrew Hampton, <i>Major.</i> Jacob Cosner, <i>2d Major.</i>		

In the counties not here mentioned, no changes were made by the spring Congress of 1776. The Congress, however, increased the number of Regiments in the Continental service from two to six; and as James

Moore and Robert Howe had been promoted to the rank of Brigadier-Generals in the Continental army, the following appointments were made to the commands of the First and Second Regiments.

Francis Nash, <i>Colonel</i> .	}	1st Regiment.
Thomas Clark, <i>Lieutenant-Colonel</i> .		
William Davis, <i>Major</i> .		
Alexander Martin, <i>Colonel</i> .	}	2d Regiment.
John Patten, <i>Lieutenant-Colonel</i> .		
John White, <i>Major</i> .		

To the commands of the four new Regiments, the following Officers were appointed.

Jethro Sumner, <i>Colonel</i> .	}	3d Regiment.
William Alston, <i>Lieutenant-Colonel</i> .		
Samuel Lockhart, <i>Major</i> .		
Thomas Polk, <i>Colonel</i> .	}	4th Regiment.
James Thackston, <i>Lieutenant-Colonel</i> .		
William Davidson, <i>Major</i> .		
Edward Buncombe, <i>Colonel</i> .	}	5th Regiment.
Henry Irwin, <i>Lieutenant-Colonel</i> .		
Levi Dawson, <i>Major</i> .		
Alexander Lillington, <i>Colonel</i> .	}	6th Regiment.
William Taylor, <i>Lieutenant-Colonel</i> .		
Gideon Lamb, <i>Major</i> .		

There were, at this time, six Brigadier-Generals in the State, and each ranked in his own district.

General JOHN ASHE was Commander-in-chief in the District of Wilmington,

General ALLEN JONES, in that of Halifax,

General EDWARD VAIL, in that of Edenton,

General GRIFFITH RUTHERFORD, in that of Salisbury,

General THOMAS PERSON, in that of Hillsborough, and

General WILLIAM BRYAN, in that of New Berne.

When, therefore, the armament of Sir Peter Parker was in the Cape Fear River, General Ashe ranked Brigadier-General Bryan, who commanded the troops from the New Berne district, on their march to Wilmington.

The spring Congress of 1776 raised three Light-Horse Companies, and made the following appointment of Officers.

John Dickerson, <i>Captain.</i>	}	<i>1st Company.</i>
Samuel Ashe, Jun., <i>Lieutenant.</i>		
Abraham Childers, <i>Cornet.</i>		
Martin Phifer, <i>Captain.</i>	}	<i>2d Company.</i>
James Sumner, <i>Lieutenant.</i>		
Valentine Beard, <i>Cornet.</i>		
James Jones, <i>Captain.</i>	}	<i>3d Company.</i>
Cosimo Madacy, <i>Lieutenant.</i>		
James Armstrong, <i>Cornet.</i>		

I ought to mention here the Volunteer Companies of the State, who were invariably the best soldiers. Colonel Lillington's volunteer band was with him at the battle of Moore's Creek. General Rutherford commanded a similar band, as did Major Dauge of Currituck.

In the campaign against Sir Peter Parker's armament, there was a volunteer company that marched from New Berne in May, under the command of Dr. Alexander Gaston. This company is mentioned in a letter in an old English Gazette, which I have, in the following manner:—"The rebels are watching our ships from their hiding-places on the shores throughout the day and night. A scouting party from the 33d yesterday brought in a private who reported himself as belonging to a company of a Captain Gaston, which had been on a scouring party about our ships for several days. He further reports the rebel forces as daily increasing in numbers and confidence." The letter is dated the 25th of May, the old Gazette in October. There is some notice of this company in the accounts of Paymaster Ashe, a few sheets of which I obtained from the papers of the late Judge Williams.

## THE BATTLE OF MOORE'S CREEK.

*(Extracts.)*

LETTER FROM RICHARD CASWELL TO MR. PRESIDENT HARNETT.

*"February 29th, 1776.*

"Sir, I have the pleasure to acquaint you that we had an engagement with the Tories at Widow Moore's Creek Bridge on the 27th current. Our army was about one thousand strong ; consisting of the New Berne battalion of Minute-men, the Militia from Craven, Johnston, Dobbs, and Wake, and a detachment of the Wilmington battalion of Minute-men, which we found encamped at Moore's Creek the night before the battle, under the command of Colonel Lillington. The Tories, by common report, were three thousand ; but General McDonald, whom we have prisoner, says there were about fifteen or sixteen hundred ; he was unwell that day and not in the battle. Captain McLeod, who seemed to be principal commander, and Captain John Campbell, are among the slain."

In the same letter he says : — "Colonel Moore arrived at our camp a few hours after the engagement was over ; his troops came up that evening, and are now encamped on the ground where the battle was fought, and Colonel Martin is at or near Cross Creek, with a large body of men ; those, I presume, will be sufficient to put a stop to any attempt to embody them again."

LETTER FROM GENERAL MOORE TO MR. PRESIDENT HARNETT.

*"March 2d, 1776.*

"The next morning, the 27th, at break of day an alarm gun was fired, immediately after which, scarcely leaving our people a moment to prepare, the Tory army with Captain McLeod at their head made their attack

on Colonels Caswell and Lillington, and, finding a small entrenchment next the bridge on our side empty, concluded that our people had abandoned their post, and in the most furious manner advanced within thirty paces of our breast-work and artillery, where they met a very proper reception."

LETTER FROM AN UNKNOWN SOURCE, DATED THE 10TH OF MARCH, 1776. (Remembrancer, Part II, p. 74 )

"Parties of men are dispersed all over the Colony, apprehending all suspected persons, and disarming all Highlanders and Regulators that were put to the rout in the late battle. The conquerors have already taken 350 guns and shot-bags; about 150 swords and dirks; 1500 excellent rifles; two medicine-chests fresh from England, one of them valued at 300 pounds sterling, a box containing half Joaneses and Guineas, secreted in a stable at Cross Creek, discovered by a negro and reported to be worth £15,000 sterling; also thirteen wagons with complete sets of horses. 850 common soldiers were made prisoners, disarmed and discharged. Colonel Long has also apprehended several of their officers, who are now in Halifax gaol, viz. Colonel John Piles, Major Thomas Collins, Captain David Jackson, Enoch Brady, John Piles, and Thomas Readford, Lieutenant Stephen Parker, and Daniel McDonald, the latter wounded through the thigh, Ensign Denning, and Dr. Robertson. There are in the same gaol four persons of the name of Field, one Turner, and three Bells, a Midshipman, and a Quarter-gunner of the Scorpion; likewise, one Kingsborough McDonald, Mr. Rutherford, Hector McNeil, and Alexander McDonald, Captains Morrison, McKenzie, Ure, Leggate, Cross, Parsons, McCoy, Mase, Mickeson, McCarter, and Adjutant Frazer, Lieutenants McIver and Hewes, Cameron, Donald Hewes, Donald

Cameron, and sundry other Lieutenants and Ensigns, whose names we have not an account of. Kennett McDonald, Aid-de-Camp, James Hepborn, Secretary, Parson Beatty, and Dr. Morrison, Commissary. General McDonald and Brigadier-General McLeod (the latter of whom was killed) set out at the head of this banditti with the avowed intention of carrying Governor Martin into the interior part of the Province." \*

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\* I have admitted, in the body of this book, that Colonel Caswell was the senior of Colonel Lillington at the battle of Moore's Creek. I was mistaken, for the battle-field was in Lillington's district, and there he ranked Caswell, who held only a Colonel's commission, in the Minute service.

THE END.













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