



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

1

1

1

THE NEW YORK
PUBLIC LIBRARY

ASTOR LENOX AND
TILDEN FOUNDATIONS

F

L



Yours Truly
A. M. Morehead

Biographical History of North Carolina

From Colonial Times
to the Present



Editors

Samuel A. Ashe
Stephen B. Weeks
Charles L. Van Noppen

VOLUME II

Charles L. Van Noppen

PUBLISHER

Greensboro, N. C.

MCMV

THE NEW YORK
PUBLIC LIBRARY
392149A
ASTOR LENOX AND
TILDEN FOUNDATIONS
1905

COPYRIGHT, 1905
BY CHARLES L. VAN NIPPEN

All rights reserved

ROY VAN
1905
1905



KEMP P. BATTLE	Chapel Hill
JOHN C. BUXTON	Winston-Salem
THEO. F. DAVIDSON	Asheville
JUNIUS DAVIS	Wilmington
RUFUS A. DOUGHTON	Sparta
THOMAS J. JARVIS	Greenville
JAMES Y. JOYNER	Raleigh
CHARLES D. McIVER	Greensboro
WILLIAM L. POTEAT	Wake Forest
JAMES H. SOUTHGATE	Durham
CHARLES W. TILLET	Charlotte



SORY BOARD	vii
MENTS	ix
RAITS	xiii
TRIBUTORS	xv
RT WASHINGTON ALLISON	1
I PHIFER ALLISON	6
RT ANDERSON	10
LIAM CARTER BAIN	14
REW BALFOUR	17
GE W. BROOKS	20
MAS BURKE	27
LIAM PRESTON BYNUM	33
LIAM P. BYNUM, JR.	42
HEN CABARRUS	47
AN SHAKESPEARE CARR	51
UEL PRICE CARSON	60
LARD COGDELL	64
I DAVES	67
GE DAVIS	71
US DAVIS	82
ES FEW	89
ESS SIDNEY GAITHER	93
LIAM GASTON	99

CALVIN GRAVES	108
THOMAS JEFFERSON GREEN	114
WHARTON JACKSON GREEN	120
HEZEKIAH ALEXANDER GUDGER	126
EGBERT BARRY CORNWALL HAMBLEY	133
✓ PLEASANT HENDERSON HANES	139
JOHN WESLEY HANES	146
CORNELIUS HARNETT	152
LOUIS D. HENRY	163
WILLIAM JACKSON HICKS	167
JACOB FRANKLIN HIGHSMITH	173
JOHN HINTON	178
JAMES HUNTER	180
HERMAN HUSBANDS	185
JAMES INNES	194
JAMES IREDELL	198
CHARLES EARL JOHNSON	203
JOHN LAWSON	212
WILLIAM LENOIR	219
JOHN VAN LINDLEY	222
WILLIAM LITTLE	228
✓ JAMES ANDERSON LONG	231
FREDERICK WILLIAM VON MARSHALL	237
JOSEPH MARTIN	240
JOHN MOTLEY MOREHEAD	250
JAMES TURNER MOREHEAD	259
EUGENE LINDSAY MOREHEAD	265
JAMES TURNER MOREHEAD	272
JOSEPH MOTLEY MOREHEAD	278
MARK MORGAN	282
MAURICE MOORE	293

CONTENTS

xi

ES MOORE	298
ED MOORE	302
Y MURFREE	307
MILTON ODELL	315
S ALEXANDER ODELL	320
LIAM ROBERT ODELL	325
UEL FINLEY PATTERSON	328
JS LENOIR PATTERSON	334
UEL LEGERWOOD PATTERSON	344
SAY PATTERSON	352
JS LENOIR PATTERSON, JR.	357
LIAM POLK	361
PORTER	369
RT PAYNE RICHARDSON, JR.	374
FITH RUTHERFORD	381
M. SCOTT	386
RY SEAWELL	394
SITGREAVES	398
AMIN SMITH	401
SOTHEL	406
S HAYWOOD SOUTHGATE	410
K SHEPHERD SPRUILL	416
S J. THOMAS	421
IN HENDERSON WILEY	427
ICK HENRY WINSTON, SR.	441
ICK HENRY WINSTON, JR.	450
GE TAYLOE WINSTON	460
RT WATSON WINSTON	467
CIS D. WINSTON	475
OLAS WASHINGTON WOODFIN	481





JOHN MOTLEY MOREHEAD	<i>Frontispiece</i>	
ROBERT WASHINGTON ALLISON	<i>facing</i>	1
JOHN PHIFER ALLISON	"	6
WALTER CARTER BAIN	"	14
WILLIAM PRESTON BYNUM	"	33
WILLIAM PRESTON BYNUM, JR.	"	42
JULIAN SHAKESPEARE CARR	"	51
GEORGE DAVIS	"	71
JUNIUS DAVIS	"	82
THOMAS JEFFERSON GREEN	"	114
WHARTON JACKSON GREEN	"	120
HEZEKIAH ALEXANDER GUDGER	"	126
EGBERT BARRY CORNWALL HAMBLEY	"	133
PLEASANT HENDERSON HANES	"	139
JOHN WESLEY HANES	"	146
WILLIAM JACKSON HICKS	"	167
JACOB FRANKLIN HIGHSMITH	"	173
CHARLES EARL JOHNSON	"	203
JOHN VAN LINDLEY	"	222
JAMES ANDERSON LONG	"	231
JAMES TURNER MOREHEAD	"	259
EUGENE LINDSAY MOREHEAD	"	265
JAMES TURNER MOREHEAD	"	272

JOSEPH MOTLEY MOREHEAD	<i>facing</i>	278
MARK MORGAN	"	282
JOHN MILTON ODELL	"	315
JAMES ALEXANDER ODELL	"	320
WILLIAM ROBERT ODELL	"	325
SAMUEL FINLEY PATTERSON	"	328
RUFUS LENOIR PATTERSON, SR.	"	334
SAMUEL LEGERWOOD PATTERSON	"	344
LINDSAY PATTERSON	"	352
RUFUS LENOIR PATTERSON, JR.	"	357
ROBERT PAYNE RICHARDSON, JR.	"	374
LEVI M. SCOTT	"	386
HENRY SEAWELL	"	394
JAMES HAYWOOD SOUTHGATE	"	410
FRANK SHEPHERD SPRUILL	"	416
JAMES J. THOMAS	"	421
CALVIN HENDERSON WILEY	"	427
PATRICK HENRY WINSTON, SR.	"	441
PATRICK HENRY WINSTON, JR.	"	450
GEORGE TAYLOE WINSTON	"	460
ROBERT WATSON WINSTON	"	467
FRANCIS D. WINSTON	"	475
NICHOLAS WASHINGTON WOODFIN	"	481



SAMUEL A. ASHE	W. H. MACON
CHAS. B. AYCOCK, Ph.B., LL.D.	PAUL B. MEANS, A.B.
J. S. BASSETT, Ph.D.	MASON E. MITCHELL
KEMP P. BATTLE, A.M., LL.D.	J. H. MYROVER
RICH. H. BATTLE, A.B., LL.D.	FRANK NASH
W. A. BLAIR, A.M., LL.D.	JUNIUS PARKER
G. S. BRADSHAW, A.B., A.M.	WILLIAM S. PEARSON, A.B.
R. D. W. CONNOR, Ph.B.	E. W. SIKES, Ph.D.
A. W. COOKE, A.M., LL.B.	C. ALPHONSO SMITH, A.M., Ph.D.
G. H. CORNELSON, A.M., D.D.	CHARLES M. STEDMAN, A.B.
D. I. CRAIGE, D.D.	ZEBULON V. TAYLOR
O. B. EATON	J. H. THORNWELL, D.D.
ADELAIDE L. FRIES, A.M.	S. B. TURRENTINE, A.M., D.D.
GEO. A. GRIMSLEY, A.M.	WILLIAM I. UNDERWOOD
MARSHALL DELANCEY HAYWOOD	S. B. WEEKS, Ph.D., LL.D.
JOHN S. HENDERSON, LL.D.	GEO. T. WINSTON, Ph.D., LL.D.
MAXCY L. JOHN, Ph.B.	

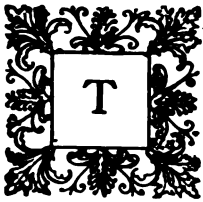




R. W. Allison



ROBERT WASHINGTON ALLISON



THE subject of this sketch was born in Charlotte, North Carolina, on the 24th day of April, 1809. His father was William Allison and his mother Margaret Young. His grandfather, Robert Allison, married Sarah Graham, sister of General Joseph and George Graham of Revolutionary fame, so that on both sides of the house he was descended from a noble, liberty-loving people.

Left fatherless at the tender age of seven, he went to live with his Grandmother Allison at Poplar Tent, Cabarrus County, North Carolina. It was under the fostering care and strong, resolute will of this noble type of womanhood that he developed the self-reliance, courage and strength of character which brought him in later years ample means and wide influence and caused him to be known as "the foremost man of Cabarrus."

Mr. Allison was a cultured, educated, Christian gentleman, fitted both by nature and grace to adorn any sphere either in church or state. A man of sterling integrity, irreproachable character, unswerving in fidelity to duty, honest and upright in all his dealings, kind-hearted and generous, faithful to every trust, pure in life, chaste in thought and guarded in speech, he is eminently worthy of being embraced among those who have contributed to the progress of the State.

Other men may perchance have written their name higher upon

the page of fame, but none deeper in the hearts of their friends nor more legible in the "Lamb's Book of Life." Others may have been more famous, none more useful; and while there are few great deeds to record, as the world counts greatness, few have accomplished more lasting good or died more revered. Like David, he served well his day and generation, and when "he fell on sleep," "devout men carried him to his burial and made lamentation over him."

Mr. Allison was a self-made man. At the age of fourteen he left school and entered the store of his uncle, Joseph Young, at Concord, North Carolina, where by his diligence, promptness, honest dealing and faithfulness he continued to rise until he not only owned the store, but also accumulated large property interests. His fortune represented to him honest money, "no speculation, nor turn or twist of hand, but the increase of capital honestly made and cared for."

While engaged in merchandising, he did not neglect his mind, but improved his leisure moments by storing his memory with useful information that in later years made him such a charming and instructive conversationalist. Always literary in his taste, as increasing means afforded opportunity, histories and standard works became his companions. Quoting dates and facts with accuracy, he soon became the oracle of the community. His opinion was eagerly sought for and taken on any subject. While not a practitioner, he possessed superior legal talent, which was always used in the interest of truth. Gifted with a logical and analytical mind, he thought clearly. At a glance he would strip a question of its tinsel and verbiage and seize upon the point at issue. Eminently practical in his conclusions, tender and sympathizing in heart, he became the safe counsellor of the widow and orphan, and so careful was he in statement that he never had to retreat from an opinion expressed.

On the 31st of May, 1842, in the thirty-third year of his life, Mr. Allison was happily married to Miss Sarah Ann Phifer, daughter of John Phifer and Esther Fulenwider, and a member of one of the most prominent families in the county.

To this union there were born nine children, four of them dying young. The five who lived to be grown were Esther Phifer, who married Captain Samuel Elliott White of Fort Mill, South Carolina, who erected the first monument to the Women of the Confederacy in the South, and the only monument to the faithful slaves in the world. She died April 28, 1903, leaving her husband and one child, Grace Allison, wife of Colonel Leroy Springs of Lancaster, South Carolina, and a grandchild, Elliott White Springs.

Rev. Joseph Young Allison, D.D., married Sarah Cave DaVant of Columbia, South Carolina. Dr. Allison is at present pastor of the First Presbyterian Church, Lake Charles, Louisiana. They have one daughter, Margaret DaVant Allison.

John Phifer Allison, State senator from Cabarrus, married Annie Erwin Craige of Salisbury, North Carolina, now living at Concord, North Carolina.

Mary Louise Allison died January 8, 1879.

Adeline Elizabeth Allison married Colonel John M. White of Fort Mill, South Carolina, who died in 1877. She married in 1891 Captain J. M. Odell of Concord, North Carolina, where she at present resides.

Mr. Allison had an ideal home. His wife proved to be a helpmeet indeed, the embodiment of all that was good, pure and elevating. The heart of her husband safely trusted in her, and her children rise up and call her blessed. She was literally eyes to the blind, feet to the lame, and abounded in good deeds. She died February 23, 1889, after forty-seven years of wedded bliss.

The hospitality of this house was unbounded. A large, roomy house, the latch-string hung on the outside and a warm welcome awaited you within. It was a "Bethany" where many a tired preacher turned aside to rest a while. For over a quarter of a century the writer went in and out at will, and cherishes with affection the memory of this home as one of the dearest spots on earth to him. It was the "trysting place" of the young. Their secrets were safely guarded, their happiness consulted, their pleasures encouraged and their confidence sweetly won. To see

him surrounded by his nieces, nephews and their friends, with his face wreathed in smiles, no wonder he was the idol of their hearts.

In his home life he was simple in his tastes and regular in his habits. When twenty-five years of age, his physician said he would not live a year, but by an active out-of-door life, dieting, horseback riding and tremendous will power, he became physically as well as mentally and morally strong, outliving his physician and all the friends of his youth.

After retiring from business, as a pastime he overlooked his farm, and was rated as the best farmer in the county, and to the day of his death always had the first bale of cotton on the market. He was a man of method and system, and regulated his affairs, both public and private, accordingly. He had a place for everything and everything in its place. He could lay his hand on any paper, book or writing either in his office or at home. For over forty years he kept a daily record of the weather, and could tell of any specially unseasonable days in two-score years.

In intercourse with his fellow-man his word was his bond. He dealt in nothing but truth and honesty. To give Mr. Allison as authority for any statement was to conclude the matter.

Modest as a maiden, retiring and shrinking in disposition, Mr. Allison shunned prominence. Notoriety in any form was abhorrent to his sensitive disposition. Against his protest, he was elected a member of the legislature of North Carolina in 1865 and 1866. Without making a canvass, he was elected a member of the State Constitutional Convention in 1875. Such was the confidence and esteem of his fellow-citizens, that although never a seeker of office, for years he was clerk and master of equity in Cabarrus County, and for many years chairman of County Commissioners. From 1870 to 1874 he was a member of the Board of Trustees of Davidson College. For a half a century he was elder in the Presbyterian Church in Concord, North Carolina. Until the beginning of the war between the States he was a Whig in politics, a Democrat afterwards. He was introduced to Andrew Jackson in 1833 in the White House at Washington, and

was by him appointed postmaster at Concord. A scene he loved to relate was what he saw on a visit to the State Constitutional Convention at Richmond, Virginia, in 1829. There were seated on the platform James Madison, James Monroe, ex-Presidents of the United States; John Marshall, Chief Justice of the United States, and John Randolph of Roanoke, the noted orator of Virginia.

- Mr. Allison died at Concord, North Carolina, September 21, 1898, at the advanced age of eighty-nine. Although many years past the allotted time to man, by reason of strength his bow still abode in strength and his eye was not dim. His was age without its infirmities. To the last his hearing was distinct, his mind clear, his memory active, his hope bright and his faith assured. "Like a shock of corn fully ripe, he was gathered into the garner."

Mr. Allison connected himself early in life with the Presbyterian Church, and adorned the profession he made. There have lived few, if any, better Christians than Mr. Allison. "He lived his religion, and his example was for Christ and the church."

Rev. W. C. Alexander and Rev. C. F. Rankin conducted the funeral services, and on the 22d day of September, 1898, as the sun was setting, he was planted away in the cemetery of the First Presbyterian Church to await the Resurrection morn.

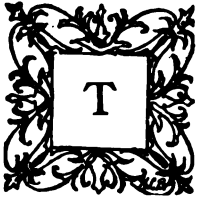
On his tomb one might write, "Faithful unto death," and above it, "The hand of faith could confidently carve a crown."

J. H. Thornwell.





JOHN PHIFER ALLISON



THE subject of this sketch was born at Concord, the county seat of Cabarrus County, North Carolina, the 22d day of August, 1848. A long line of illustrious ancestry preceded him in his native county. A sketch of his father, Mr. R. W. Allison, appears elsewhere in this work. In the line of his maternal ancestry the following names are worthy of note: The Hon. Matthew Locke, member of the Provincial Congress at Hillsboro in 1775 and also of the Congress at Halifax in 1776, member of the legislature for twelve years, and also member for six years of the United States Congress; Martin Phifer, member of the legislature prior to and after the war of the Revolution; and Martin Phifer, Jr., colonel in the war of the Revolution.

Mr. Allison's father, familiarly known as "Squire Allison," was for many years the most honored and venerated citizen. His mother, Mrs. Sarah Ann Phifer Allison, was not only esteemed as a model wife and mother, but also loved by all who knew her as a true "mother in Israel." Hence that splendid heritage, the best that earth can bestow upon any of her sons, a pious, cultured parentage, has been the position of our subject. The third of nine children of a godly, refined Southern home, the choicest environment for the best development of childhood, youth and young manhood, Mr. Allison's maturity has been no mockery of

his birth and rearing, for his character stands to-day, in the prime of his powers, the natural and logical fulfillment, the proper fruition of those high principles of life which he must have breathed from his earliest moment.

In childhood and youth a delicate state of health barred the young life, while delighting in games and out-of-door sports, from the more vigorous discipline of tasks calling for steady, severe manual labor. This limitation also presented difficulties to be overcome in the acquirement of his education. But in this, as in so many other respects, Mr. Allison had in his father a most valuable exemplar, for from him he learned that the longest, happiest and most useful life is rarely attained by those upon whom Dame Nature has showered her choicest physical gifts, but oftenest by those who wisely treasure and use what she has granted. Mr. R. W. Allison, never of robust health, in early life even frail, attained through prudent regard for his physical man, "high thinking and simple living," the great and honored age of a half score years beyond the coveted four-score—and with faculties unimpaired. This shining example has not been granted in vain to the son, and, barring accidents, a similar crown awaits him.

The high schools of Concord and Bingham's Military School gave their discipline in the arts and sciences to the young man until having decided, entirely through personal preference, upon a business career, thus following his father's example, he pursued a course of professional study at the Mercantile College of Baltimore, from which he was graduated in 1867. In 1869 he entered upon the active work of life as a merchant, taking charge of the large and successful business of general merchandise conducted by his father for over forty years, and which, as proprietor and manager, he continued with signal success for thirty years more. The management of this business has of late been merged into a corporation, by which Mr. Allison has been enabled to give more of his thought and time to activities more congenial certainly to his health and possibly to his natural tastes. For along with his mercantile enterprise, Mr. Allison soon discovered in his

nature a deep love for the land as the true foundation of a country's prosperity and happiness. In his father, again, he had an inspiring example, and parallel to and harmonizing with his career as a merchant has been his career as a planter of that progressive type which furnishes the model and inspiration of every agricultural community. His influence by counsel and example has been forceful and prevailing in delivering his fellow-farmers from the bondage of the one-crop idea to the independence and success of diversified farming. It is as planter, possibly, that Mr. Allison exerts his widest influence among his fellow-citizens. For even as merchant he studied and fostered the interests and trade of the farmer more than of any other class, his customers relying much upon his judgment on fertilizers, machinery and methods of agriculture. As a safe leader, his advice is sought and accepted eagerly, for the thoughtful recognize that it is born of a practical and successful experience.

Mr. Allison, while sternly maintaining the wisdom of diversified crops for the South, claims that cotton is king of the crops of our Southland, and must be so recognized by both our agricultural and manufacturing industries, without permitting that rule, however, to degenerate to a despotism. With well-defined, advanced but sound views upon the industrial welfare of our whole land, he has given unselfishly of his time, thought and means to the organization and establishment of the Southern Cotton Growers' Protective Association, and was for four years its watchful and active secretary and treasurer. As an influential member of the Executive Committee of the Southern Cotton Company, he further evinces his open-eyed, progressive consideration of the South's greatest material interests.

As a sound financier, Mr. Allison's ability is widely and variously confessed and employed in the position he holds, or has held, in the following successful enterprises: president of the Cabarrus Land, Lumber and Mining Company; president for eight years of the Concord Building and Loan Association; director from 1893 to 1897 and on the Finance Committee from 1893 to 1897, and on the Finance Committee from 1893 to 1899

of the North Carolina Railroad Company; and director of the Concord National Bank, the Gibson Cotton Mill Company, the White, Morrison, Howe Company and the Brown Manufacturing Company.

As chairman of County Commissioners for two years and as State senator for a like term, Mr. Allison has served the civic welfare of his community and State with laudable fidelity and marked executive and legislative ability. A fellow-senator remarked upon the close of his term in the Senate that as member of several most important committees no one had rendered his State better service during that time. He has been unswerving in his identification with the Democratic Party.

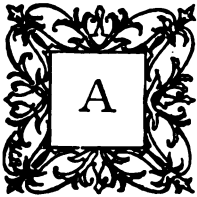
Mr. Allison was married October 5, 1880, to Miss Annie Erwin Craige, youngest daughter of the Hon. Burton Craige of Salisbury, North Carolina, who has been to him "an helpmeet indeed," a hearty sympathizer in his every word and work. Mrs. Allison is a cultured woman, endowed with a charm of manner which has made her a social favorite. She is a prominent leader of the Daughters of the Confederacy, a member both of the North Carolina Society of the Colonial Dames of America and of the Daughters of the American Revolution. Mr. Allison was for several years president of the New South Club, the social organization of the men of Concord. Both are members and loyal supporters of the Presbyterian Church.

As a man Mr. Allison is a well-poised, symmetrical, manly personality. The soul of honor, his ideals in all the walks of his varied, active life are the highest. Generous and sympathetic in his every attitude toward his fellow-man, he is loved and honored by all who know him. In temperament, wisely conservative, in judgment, cool and deliberate, he never permits the impulse of the moment to sway his action or thought. His heart is tender and unselfish, counting nothing human alien to it. His community is proud of him, and owns his life and character an inspiration to noble thought and rich achievement.

George H. Cornelson.



ALBERT ANDERSON



ALBERT ANDERSON of Wilson, North Carolina, and one of the prominent physicians of Eastern North Carolina, presents a career which will be studied with interest by those who are seeking to find successful men who have manfully overcome early disadvantages and forged their way to places in the front rank of the men of their day and times. He was born of respectable but poor parentage, on a small farm at Eagle Rock, in Wake County, North Carolina, on October 18, 1859, and is the son of Jesse and Mary Anderson. In the years of his early life he was of rather delicate health, and it appears likely that his continuing to do work on the farm until the age of nineteen was in the end a blessing, for to-day he is a strong and vigorous man, with both energy and physique to accomplish great things. Be that as it may, the boy plowed and hoed and worked at the usual manual labor that boys perform on small farms in North Carolina, went to school a few months in each year, stopping off for "foddering time," and whenever else he was badly needed at home, fished and fought as occasion demanded, laughed and played with the other boys of the neighborhood, but all the time fired with a secret belief that his time was not yet come, that it would come, and that when it did come he would become an educated, cultured man, and would go into the great world beyond the confines of the little farm and become

an active, vital part of what he only caught glimpses of in his boyish imagination. The vital influence the years of hard manual work had in shaping his future and developing his character may well be considered when the doctor himself says that it wielded a more potent influence than even his college contact in later years. Leaving the farm at the age of nineteen, he spent some time at the Raleigh Male Academy, and later entered Trinity College. Here he came under the benign and most splendid educational influence which in writing the biographies of North Carolinians will not be effaced for a century to come, the personal influence of Dr. Braxton Craven, the noble founder of Trinity, and the man whose grandest tribute in history will be the inspirations he gave to struggling, ambitious young men.

At Trinity College it is needless to say that the young man, who was working between recitations in part to help pay his expenses, stood well in the classes; suffice to say his record was one of the best, and in 1883 he graduated from Trinity with the degree of M.A. The inspiration of the now sainted Craven must have been felt in the direction the young man turned, helping others in firmly getting their feet in the educational path he had with such vigor essayed to find, for the next four years he was principal of the Middleburg Male Academy at Middleburg, North Carolina. Here, in addition to his duties as principal and chief instructor, he found time to delve further into his scientific studies, and fascinated with the study of pure science, and filled with delight at the prospect of being able as a physician to help others daily in life, he began the study of medicine. So thoroughly did he cover the medical course, while instructing the boys at Middleburg, that after only one year's study at the University of Virginia, in its excellent medical school, he went up for the final examinations with the graduating class, and this he did successfully; and a few weeks later also passed successfully the examinations of the North Carolina State Board of Medical Examiners.

Shortly afterward he entered upon the practice of his profession at Wilson, North Carolina, where he now resides. During this

same year, December 12, 1888, he wedded Miss Pattie R. Woodard, a sister of the wife of Governor Charles B. Aycock, who has ever been to him a royal helpmate. No children have blessed this union, but a more devoted couple does not live in North Carolina.

In 1889 Dr. Anderson attended a course of post-graduate instruction for some months at the New York Polyclinic, and in 1892 he was appointed by the North Carolina State Board of Health to attend a special course offered by the United States Government to State Boards of Health, who were empowered to nominate two of their best men. In 1896 Governor Russell appointed Dr. Anderson a member of the State Board of Health, a position he filled with honor to the State and credit to himself for several years. The organized profession of the State have at various times shown their kindly appreciation of his work in behalf of scientific medicine, for in addition to having held various minor positions in the State Medical Society, he was in 1898 the annual orator, and the same year he was elected for a term of four years a member of the State Medical Examining Board, and he has performed the arduous duties of that position so well as to reflect great credit upon the judgment of the society in placing the important trust upon him.

He was also one of the charter members of the Seaboard Medical Association and its president in 1902. At the session of the State Medical Society at Hot Springs, North Carolina, in 1902, he was one of the chief supporters of the plan for revising the constitution of the Medical Society of the State of North Carolina, and making the County Medical Society in each county the basal unit of organization, and requiring that all gentlemen of the profession desiring membership in the State Society should be enrolled members of their home County Medical Society. He presented a strong paper in advocacy of the new plan, and rendered valuable assistance to the committee having the matter in charge, and had the satisfaction of seeing the revised constitution unanimously adopted. The new constitution adopted, its promoters sought to find ten active, leading physicians who had the

confidence of the profession in their respective sections of the State to act as councillors, and Dr. Anderson was unanimously elected councillor for the Fourth District, composed of the eight counties nearest him. Actuated solely by his love for the interests of his profession, he visited each of these counties during the following few months, and successfully organized a county medical society in each one of them. At the 1904 session of the State Society his work was commended, and he was unanimously re-elected councillor. In 1903 he was elected a member of the House of Delegates of the American Medical Association, and in 1903 and 1904 represented the State Medical Society in the National Association, this State having only two delegates in that body as representatives of the North Carolina profession. His genius for organizing has been well illustrated in the development of the Wilson Sanatorium, an institution founded by him and Dr. C. E. Moore of Wilson, in 1898, for the treatment of acute medical and surgical cases. Established in a small town where there had never been a public hospital before, and with the traditional objections of many to overcome, the institution has been a success from the beginning, and is a credit to the accomplished staff as well as to the town of Wilson.

In his political affiliation Dr. Anderson has always voted the straight principles to steer the ship of state aright at all times.

His experience with fraternal societies has been a limited one, he being a member only of the Junior Order, United American Mechanics. In his religious professions he is a member of the Methodist Episcopal Church, South, and under the shelter of his handsome home (one of the most beautiful in Wilson) the way-faring Methodist preacher is always assured of a hearty welcome and a persistent invitation to prolong his stay.

Dr. Anderson is a tall and rather stoutly well-built man, clean shaven and with an appearance almost clerical, both in his quiet garb and sober look. A man of great energy and indomitable will power, none who come under the spell of his splendid personality wonder at his success in life, the cause of which he once summed up in one word, "persistency."

J. Howell Way.

**THE NEW YORK
PUBLIC LIBRARY**

**ASTOR, LENOX AND
TILDEN FOUNDATIONS**

R

L

educational advantages, but by industry and economy he managed by the time he attained his majority to save a sufficient sum of money to defray his expenses at a good school. About this time the clouds of civil war broke over the country, and, responding to his State's call, he enlisted in the service of the Confederacy. He was sergeant of Company G, Forty-sixth North Carolina Regiment, from 1862 to the close of the war, and participated in many of the manœuvres and battles of Lee's army. Although in the thick of many bloody fights, he was never wounded. He was not so fortunate in escaping capture and imprisonment. He was first captured in Maryland, on September 13, 1862, and imprisoned at Fort Delaware. After a month or two he was paroled, and later he was exchanged and returned to his company. He was next made a prisoner of war on April 1, 1865, when he was taken to Point Lookout, Maryland, and held until June 25th, nearly three months after the war had ended.

Upon his return from the war, Mr. Bain joined his brother in the manufacture of carriages and wagons. About 1875 he embarked in the business of a contractor and builder of houses. He began in a modest way, always studying how to improve and advance his art. To-day he is recognized as one of the leaders in his line of business in the South. Some of the more notable buildings Mr. Bain has erected are the following: Residences of L. Banks Holt at Graham, J. S. Carr at Durham, W. C. Powell at Wake Forest and R. B. Raney at Raleigh; Carolina and Howard hotels at Pinehurst, the Holt-Morgan Cotton Mills at Fayetteville, the Oneida Cotton Mills at Graham, the State Normal and Industrial College dormitories at Greensboro, the agricultural building of the North Carolina College of Agriculture and Mechanic Arts at Raleigh, the Wachovia Loan and Trust Company building at High Point and the City National Bank and the Carnegie Library buildings at Greensboro. All of these are up-to-date and substantial structures of architectural beauty.

In addition to looking after his extensive business as a contractor and builder, Mr. Bain has found time to devote to affairs in other lines. He organized and is president of the Greensboro

Wood Fiber Plaster Company, and is also president of the Central Carolina Construction Company, which absorbed his individual interests as a contractor and builder. Mr. Bain has established and operates a plant for the manufacture of artificial stone in various shapes and sizes for any and all kinds of building purposes.

Mr. Bain finds relaxation and interest in operating a model farm of 200 acres, situated in the suburbs of Greensboro, where he spends a portion of the time he can take from his diversified business interests.

In politics he is a Democrat, with strong prohibition principles. During his residence in Greensboro he has been prominently identified with all the contests that have arisen over the liquor question, and his work in behalf of temperance has been so effective that he is regarded as one of the most influential leaders of the moral forces. He is a leading member of Grace Methodist Protestant Church, Greensboro, and is deeply interested in the affairs of that denomination, having been an official member of his church for a number of years.

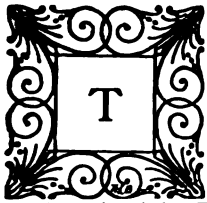
On December 19, 1861, Mr. Bain married Mary A. Lane, a daughter of Alfred K. Lane and Polly Coble Lane, natives of Randolph County. They have had ten children, of whom six are now living.

William I. Underwood.





ANDREW BALFOUR



THOUGH slain while upholding the rights of America, his adopted home, Andrew Balfour was a Scotchman, a native of Edinburgh, and son of a merchant of that city who also bore the name Andrew Balfour. He set sail from Greenock, Scotland, on the 20th of May, 1772, and arrived in Boston, Massachusetts, on the 18th of July. In his old home he had met with business reverses, and sought to retrieve his fortunes in the New World. His first wife, whose maiden name was Janet McCormick, he left in Scotland, intending to send for her later, but she died on June 17, 1773, leaving an infant daughter, Tibbie, who was later brought to America and lived in Charleston, South Carolina, for a while, but afterward joined her father. Balfour's second wife was Elizabeth Dayton of Newport, Rhode Island, by whom he had a son Andrew and a daughter Margaret. He also had a sister Margaret and a brother John Balfour, who was a merchant of Charleston, South Carolina. John Balfour of Charleston left three children, Nancy, Margaret ("Peggy") and Andrew.

After engaging in business in the Northern colonies without success, Andrew Balfour, subject of this sketch, lived for a while in South Carolina, engaged in making salt, and later still (about 1778) came to North Carolina, making his home in Rowan County. When the county of Randolph was established out of parts of

Rowan and Guilford, he was elected one of its first representatives in the North Carolina House of Commons in 1780. He was also commissioned colonel of State troops. He was a man of superior intelligence, a man of nerve, character and standing. In 1780 he was captured by a band of marauding Tories, but a party of Whigs soon embodied and attacked and dispersed his captors and released him. In the partisan warfare of the period Colonel Balfour was an active participant, and on several occasions commanded detachments in the field. David Fanning, in his narrative, says it was the boast of Balfour that there should be no resting place for a Tory's foot upon the earth. On March 10, 1782, when Fanning's forces were scouring the Haw River country, that daring leader surrounded Balfour's house and killed him in the presence of his sister Margaret and Tibby, the daughter of his first marriage. The second wife of Colonel Balfour had not then come to North Carolina. In a letter written about six months after the event to Mrs. Balfour, then in Newport, Rhode Island, Margaret Balfour says: "On the 10th of March about twenty-five armed ruffians came to the house with the intention to kill my brother. Tibby and I endeavored to prevent them, but it was all in vain. The wretches cut and bruised us both a great deal, and dragged us from the dear man. Then before our eyes, the worthless, base, horrible Fanning shot a bullet into his head, which soon put a period to the life of the best of men and most affectionate and dutiful husband, father, son and brother. The sight was so shocking that it is impossible for tongue to express anything like our feelings; but the barbarians, not in the least touched by our anguish, drove us out of the house and took everything they could carry off, except the negroes, who happened to be all from home at the time. It being Sunday, never were creatures in more distress. We were left in a strange country, naked, without money, and what was a thousand times worse, we had lost forever a near and dear relative."

All of the above sketch is based upon an account of Colonel Balfour in Caruthers's "Old North State in 1776." From the same source we learn that bills of indictment were found against Fan-

ning and one Frederick Smith, charging them with the murder of Colonel Balfour. Fanning was never apprehended, but Smith was hanged in the spring of 1783. Two Frederick Smiths were lieutenants under Fanning—one from Chatham and one from Randolph. It was the latter who was executed.

Colonel Balfour's widow later came to North Carolina from Rhode Island. In a note by Governor Swain to Fanning's Narrative we find the following brief account of the family of Colonel Balfour: "His widow, who came to North Carolina after his death, December, 1784, was much respected, and held the office of postmaster at Salisbury until 1825, discharging its duties with great fidelity and acceptability. Her son Andrew married Mary Henly and had nine children, five sons and four daughters, all of whom removed to the West except Mrs. Eliza Drake, wife of Colonel Drake of Asheboro. His daughter Tibby married John Troy, who had three children—John Balfour Troy, now of Randolph County; Margaret, who died in Davidson County in 1813, and Rachel, who married Lewis Beard, now in the West. His third and remaining child, Margaret, married Hudson Hughes of Salisbury, who had two daughters, one of whom married Samuel Reeves of Salisbury."

As has already been noted, Tibby Balfour was a daughter of Colonel Balfour's first marriage, while all of his other children were by his second wife, whom he married after coming to America.

Marshall De Lancey Haywood.





GEORGE W. BROOKS



GEORGE W. BROOKS, a judge of the United States District Court for North Carolina, was a native of Pasquotank County, North Carolina, where he was born on March 16, 1821. His ancestors, having originally located in Virginia, were among the early settlers of Albemarle. His father was William C. Brooks, who, born in Gates County, eventually became a large merchant at Elizabeth City, where he was greatly esteemed. He married Mrs. Catherine B. Knox, the widow of Captain Hugh Knox, whose maiden name was Davis, her ancestors being among the first who settled in Pasquotank County, and who for several generations were prominent in their community.

In his youth the subject of this sketch was a strong, robust boy, but not active nor fond of the customary sports of the young. He received his early education at Belvidere, in Perquimans County, at an academy which the Society of Friends had established there and which was regarded as an excellent institution. His circumstances in life did not permit him to obtain a collegiate education, but with great determination he overcame the difficulties that attended his situation, and studied law, receiving his license to practice in the county courts in 1844, and two years later he passed his examination for Superior Court license. His appearance was unprepossessing, and he was slow and almost painfully

awkward because of his diffidence and embarrassment. But he had the spirit to endure, and he had resolved to succeed at every personal cost. He was pertinacious, painstaking and studious, so that although his entrance into the bar was anything but brilliant, yet he soon attracted favorable attention, and the numerous friends of his parents manifested their regard for him by giving him their countenance and support. Through their aid he soon obtained business in the courts, and by his own industry and attention to the affairs of his clients he speedily established himself in their confidence, and drew to himself a lucrative practice. It has been said that he was penniless when he came to the bar, but in fifteen years he had accumulated a large estate, which was admitted by all to have been justly and honorably acquired.

On the 20th of June, 1850, he was happily married to Margaret Costin, a daughter of James Costin of Gates County, who bore him five children, and under the stimulus of her affectionate sympathy he redoubled his efforts to succeed at the bar and to attain a high position among the purest and best of his community. As was usual at that period, investments were made chiefly in land and negroes, and as Mr. Brooks amassed means he purchased quite a number of slaves, nearly all of whom, however, were bought at their request, as they feared they might fall under the dominion of a less kind master; for there was much of the milk of human kindness in the nature of Judge Brooks. No one had a temper so little disposed to oppress or to be unjust in his dealings with any one; and but few men had a more tender nature or a heart so sympathetic toward the unfortunate.

The feeling among the Quakers in Eastern Carolina had long been unfriendly to African slavery, and among many of the slaveholders in their vicinity it came to be thought that sooner or later, as the institution of slavery was repugnant to the general trend of the world's progress and enlightened sentiment, the system of servitude in vogue at the South would be abolished and property in the labor of a fellow-man would cease. Judge Brooks became deeply imbued with that idea, and some years prior to 1861 he predicted that emancipation would be the result of the agitation

that had been so violent since 1834, and he ceased making purchases of slaves. His views on this subject were avowed in public, and were so distasteful to the other slave-holders in his section that they indulged in very severe criticisms of his course in that respect, and many of his personal and warmest friends frequently remonstrated with him against his giving utterance to opinions so widely at variance with the sentiments of his community. He, however, never yielded his right to express his opinions about matters of public concern, and while he made no public addresses on the subject, yet neither private remonstrance nor the clamor of those who were not his intimates ever influenced him to refrain from expressing his views.

From youth he was a firm adherent of the Whig Party, and early in his career, in the year 1852, there being apprehensions that the Whig Party in his county would be divided into two warring factions, in order to heal the breach he consented to accept the nomination for the legislature. Being successful at the polls, he served with great acceptability to his constituents, but he refused to accept the nomination for a second term, and declined to become a prominent figure in the political strife of his community.

Being a Whig, and with his views with regard to slavery, he was inclined to look with greater favor on the course of the Northern people in 1860 and 1861 than most of his neighbors did, and his Union sentiments remained unchanged even when hostilities began between the sections. He avowed his Union sentiments and his expectation that the South would be unable to achieve her independence; but he did not throw himself so defiantly in opposition to his friends and neighbors as to arouse their antagonism. He lived during the war peacefully at home, remaining always convinced of the ultimate triumph of the Union army, but he never failed in his kindnesses to those who were in distress, and was always ready to help and succor the unfortunate and needy without regard to their loyalty to the Federal Government. His conduct was ever based on a spirit of charity and governed by practical benevolence.

When President Johnson issued his proclamation in 1865 that North Carolina was restored to the Union, and Governor Holden was appointed provisional governor of the State, and Chief Justice Chase of the Supreme Court of the United States recognized North Carolina as being again a State in the Union, holding the Federal Court in her borders, the President, in August, 1865, appointed Judge Brooks Judge of the District Court of United States for the District of North Carolina, and the Senate confirmed his appointment in January, 1866; and he exercised the functions of his office in this State. However, he accepted the position of delegate to the convention of 1865 and 1866, which was convened to adjust the constitution of North Carolina to the new condition of things, and he was an influential member of that body.

The services of Judge Brooks in the Federal Court were arduous and severe. At that time the State had not been subdivided into several districts, and there was much litigation in the Federal Court between citizens of other States and of North Carolina, oftentimes rising to high importance. In addition, there was a multitude of cases growing out of bankruptcy proceedings, while the criminal docket was long and very tedious to dispose of. Beginning with 1866, Judge Brooks was subjected to a heavy ordeal in attending to the large business that devolved upon him. His duties were highly important, and by his courtesy, his practical good sense and his desire to be absolutely fair and just and impartial, he won the highest respect and the entire good will of the members of the bar, nearly all of whom differed from him in politics.

In addition to his admirable personal and judicial conduct in the ordinary course of the administration of justice, Judge Brooks had another title to the regard and good will of the people of North Carolina. It fell to his lot to have the unique distinction of having rendered great service to the citizens of the State in the way of establishing peace and order at a period when public affairs were on the verge of a bloody war.

An election was to be held for members of the legislature about the beginning of August, 1870. Governor Holden, then governor

of the State, had caused several thousand troops to be embodied under Colonel George W. Kirk, and had declared the counties of Alamance and Caswell in a state of insurrection, and had authorized Colonel Kirk to arrest prominent citizens in those and in some of the neighboring counties. On the 15th of July, about a fortnight before the election, Colonel Kirk had arrested a large number of the most influential gentlemen in that section of the State. On the 16th of July an application was made to Chief Justice Pearson for a writ of Habeas Corpus, which was granted. When the writ was served on Colonel Kirk he said, "Tell them such things are played out. I have my orders from Governor Holden and shall not obey the writ. I will surrender them on Governor Holden's orders, but not otherwise, unless they send a sufficient force to whip me." Judge Pearson, on the return of this writ, communicated with Governor Holden the fact that Colonel Kirk claimed that he was acting under the governor's orders, and desired to know if that was so; whereupon the governor replied that the arrests were made by his order, and that "Colonel Kirk now detains the prisoners by my order."

Judge Pearson later and in subsequent proceedings directed that the writ should issue with instructions to exhibit it to the governor, and "if the governor orders the petitioner to be delivered to the marshal, well; if not, I have discharged my duty; the power of the judiciary is exhausted and the responsibility must rest on the executive." As was expected, the governor paid no attention to the writ, but proceeded to hasten the organization of a military court to try the arrested persons by court martial.

Finding that no relief could be had from the judicial authorities of the State, the eminent gentlemen who had appeared for the detained citizens, Governor Bragg, Judge Battle, Judge Merri-
mon and the venerable B. F. Moore, with whom, indeed, were associated other lawyers of the first distinction in the State, believed it incumbent on them to exert all their influence to prevent a rising of the people, embracing a large number of the Confederate veterans who had returned to their homes, and their em-

bodying and destroying Colonel Kirk's force and rescuing the prisoners. To that end these gentlemen exercised their strongest influence; and at their instance, in order to suppress the disposition of the people to right their wrongs with force and power, they procured General M. W. Ransom to make a hasty visit to Judge Brooks, then at his home in Elizabeth City, and apply to him to take cognizance of the matter on a petition of Habeas Corpus. Never before had there been an application to a Federal judge invoking the Constitution of the United States for the protection of the citizens of the State from the arbitrary exercise of despotic power on the part of the State governor. It was what was called a case of the first impression. Judge Brooks, having concluded that it was his duty to grant the writ, with that fearlessness which had ever been a characteristic of his quiet but determined nature, at once did so, and made it returnable before him at Salisbury. When his action became known he was roundly denounced by the State authorities for interfering in a matter in which he had no jurisdiction; but nevertheless he proceeded as a just and fearless judge to execute the law as he understood it. When it was found that he could not be swayed by denunciations, the governor hastened to order the prisoners to be brought before Chief Justice Pearson, who hurried with great speed to the State Capitol to resume consideration of the questions involved in the Habeas Corpus proceedings that had been begun before him, and been interrupted when the judiciary became exhausted; but it was too late for that. The distinguished and eminent lawyers who had invoked the power of Judge Brooks now informed the chief justice that the petitioners withdrew their proceedings from before him; and they sought their liberty from the judge of the District Court of the United States. Colonel Kirk prayed for some delay that he might present the causes for the arrest and detention of his prisoners, and Judge Brooks granted him reasonable time for that purpose, at the end of which, there being no suggestion of any cause whatever for the arrest of any one of the prisoners, no offense or crime being imputed to any one of them, Judge Brooks ordered their enlargement, and thus was put an end to a matter

that at one time threatened most seriously to involve the whole State in bloodshed and civil war.

For his action in this matter there were bestowed on Judge Brooks the highest encomiums from a large majority of the citizens of the State. The prisoners exulted in their liberty, and a shout of triumph went up from the people. The judge received an ovation seldom accorded to any occupant of the bench, and at the time no honor would have been too great for the State to lay at his feet.

On his return to his home in Elizabeth City, men of all parties awaited him, and in a public demonstration sought to manifest their great approbation of his action. They expressed in a public assemblage their earnest and grateful appreciation of his fidelity in enforcing the law. Indeed, as has been said, "No conquering hero returning from the field of victory could have received greater applause. It was regarded as a triumph of the law and of justice over misrule and oppression."

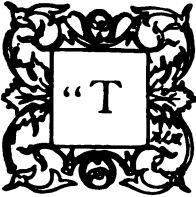
Although these manifestations of public approval were grateful to the heart of Judge Brooks, his even and moderate course in life was in no wise affected by them. Quiet, composed, sympathetic and kindly, he continued to exercise his judicial functions, ever tempering justice with mercy in administering the harsh criminal laws of the Federal Government, and always regarded as an honor to the bench, until at length, on the 6th of January, 1882, he passed away, greatly lamented by the entire State.

S. A. Ashe.





THOMAS BURKE



HE ablest advocate and completest orator our country affords" is the compliment to Governor Burke which we find expressed in a letter written in July, 1781, by Samuel Strudwick, who was a very competent judge.

Thomas Burke, a native of Galway, in Ireland, was born about the year 1747. He left his native country on account of some family quarrel, the nature of which is not now known. He was the son of Ulick Burke, whose wife, Letitia Ould, was a sister of Sir Fielding Ould. The particular branch of the ancient and numerous family to which he belonged was known as the Burkes of Tyaquin, and Governor Burke, after his removal to America, mentioned that his father's estate of that name had descended lineally in the Burke family from the time of Henry II.

Thomas Burke came to America before reaching manhood and settled in Virginia, where he at first practiced medicine. Finding this calling unprofitable, Dr. Burke resolved to study law, and soon attained high station at the bar. He resided for a while in Norfolk. At the latter place he was married to Mary Freeman in 1770. The only child of this marriage was a daughter, Mary Burke, who lived to extreme old age and died unmarried in Alabama after the close of the war between the States.

It was about the year 1772 that Thomas Burke removed with his wife to North Carolina. He took up his residence a few miles

from Hillsboro, in Orange County. His new estate he called Tyaquin, after his family's seat in Ireland. Being strongly imbued with the principles of Republicanism, he became one of the party leaders of North Carolina during the Revolution, and filled many of the highest offices within the gift of the people. He was a delegate from Orange County to the Provincial Congresses of 1775 and 1776. On May 13, 1776, the Congress at Halifax elected him paymaster of North Carolina militia for the district of Hillsboro, but this post he resigned on his election as a delegate to the Continental Congress, and Nathaniel Rochester was elected to succeed him.

In December, 1776, he was elected a delegate to the Continental Congress, his associates being William Hooper and Joseph Hewes, who with Penn had been signers of the Declaration of Independence. When Burke arrived in Philadelphia, the scene of war was beginning to shift to that vicinity, and less than a year later he was present in person as a volunteer officer at the battle of Brandywine on September 11, 1777. On this field he was convinced that the defeat of the Americans was due in a large measure to the inefficiency of General John Sullivan, and preferred charges against that officer in the Continental Congress. Sullivan made a spirited reply, and the recriminations between himself and Burke caused a challenge from the latter, though I am unable to ascertain that a meeting ever resulted. Burke returned to Tyaquin, his seat near Hillsboro, in October, 1777.

Dr. Burke was re-elected a member of the Continental Congress on April 28, 1777. Toward the end of the same year, on December 1st, he also took his seat as a member of the North Carolina House of Commons, having been elected to fill the unexpired term of Nathaniel Rochester, who had resigned to become clerk of the court in Orange County. In 1777 the county of Burke was erected and named in his honor.

On August 12, 1778, Dr. Burke was again elected a member of the Continental Congress, and returned to Philadelphia on the 9th of December in the same year. He and his colleague, Whitmel Hill, seem to have turned over, the social cares of the

city to another member of the North Carolina delegation, for in a letter to Governor Caswell on December 20, 1778, Burke says: "The city is a scene of gayety and dissipation—public assemblies every fortnight and private balls every night. In all such business as this we propose that Mr. Penn shall represent the whole State."

On May 8, 1779, the legislature elected Burke one of the trustees of Granville Hall, an institution of learning in the county of Granville. On the 25th of October, 1779, Dr. Burke and Whitmel Hill were invited to attend the State Senate of North Carolina, and, upon appearing before that body, the speaker, General Allen Jones, formally thanked them in the name of the Assembly for their long and faithful service in the Continental Congress. They were also thanked on behalf of the House of Commons by Speaker Benbury. On the same day they were re-elected delegates to the Continental Congress.

It was on June 26, 1781, that Burke became governor of North Carolina by election of the General Assembly, which then sat at Wake Court House, where the city of Raleigh now stands. In his new office Governor Burke devoted his energies to arming and equipping the troops of the State, thinking that Cornwallis might attempt to retreat through North Carolina, in which event a strong force would be needed to check his progress. But Burke's own official career was destined to be temporarily interrupted from an unexpected quarter. The daring Tory partisan, Colonel David Fanning, had formed a resolution to capture the governor, and soon put his plan into execution. About daybreak on the 13th of September, 1781, after a forced march, the Tories reached Hillsboro, where the governor had his headquarters, and entered the town from three different directions. In the volume entitled "Fanning's Narrative" it is claimed that the Tories lost only one man, while they killed fifteen of the American party, wounded many and took more than 200 prisoners, among the latter being Governor Burke, members of his council and personal staff, and likewise some Continental officers. The attacking party next proceeded to the jail and liberated thirty military prisoners, one of whom was to have been hanged on that day. Notwithstanding the

overwhelming number of Tories which invested the town, Governor Burke and the occupants of the house where he lodged made a spirited resistance. With him were his aide, Captain Reid; his secretary, John Huske, and an orderly sergeant in the Continental service whose name is not given. These gentlemen, though only armed with their swords and pistols, kept the assailants at bay until Captain Reid broke through the smoke and returned, accompanied by an officer in British uniform, who gave the governor's party assurances of protection and received their surrender. Then the Tories had a long and hazardous march of many miles with their prisoners, whom they carried to Wilmington. Two days after they left Hillsboro an action took place at Lindley's Mill, where General John Butler of Orange County waylaid them and at the first fire killed eight of Fanning's men, including Colonel Hector McNeill. Fanning then charged the Americans, and lost twenty-seven killed and sixty so badly wounded that they could not be carried from the field, also himself having his left arm shattered by a musket ball. The American prisoners, however, were not rescued, but hurriedly marched toward Wilmington, Governor Burke being under the immediate care of a Highlander who bore the creditable sobriquet of "Sober John" McLean. "Sober John" made his home after the war near Bluff Church, on the Lower Cape Fear. The Tories and their prisoners were soon met by re-enforcements from Wilmington, and landed their prisoners safely in that town, which was then held by the British. From Wilmington Governor Burke and his party were carried to Fort Arbuthnot, on Sullivan's Island, near Charleston, South Carolina. Here he was closely confined until the 6th of November, when he was paroled to James Island near by. While at James Island, Governor Burke was an object of persecution by many Tories who had refugeed to that place. More than once he was fired at, and on one occasion a friend was shot dead by his side, while another was badly wounded. General Leslie was willing to extend his parole to North Carolina, but Major Craig (afterward governor-general of Canada) insisted that he should be held as a hostage for the safety of Fanning and other Tories who

might be captured in North Carolina. As the dangers of assassination daily increased, Governor Burke determined to make his escape from James Island, regardless of his parole. This he did on the 16th of January, 1782. On reaching the American lines, Burke at once wrote a letter to General Leslie, in which he said: "I do not intend to deprive you of the advantage which my capture would by the rights of war entitle you. . . . I will endeavor to procure for you a just and reasonable equivalent in exchange for me; or, if that cannot be effected, I will return within your lines on parole, provided you will pledge your honor that I shall not be treated in any manner different from officers of the Continental army when prisoners of war."

The character of Governor Burke was fiercely assailed not only by the British, but by many Americans, for his course in leaving James Island while under parole. And the censure became more justified when, on his return to North Carolina, he resumed his duties as governor before any exchange was effected. As soon as the Assembly met, Burke's term having expired, he did not stand for re-election, but requested that body to elect some one to succeed him as governor, which was accordingly done on the 22d of April, 1782, when Alexander Martin was elected to that office. A few days later the speakers of the two Houses of Assembly were ordered by that body to wait upon Governor Burke and return the thanks of the Assembly for the acceptable manner in which he had discharged the duties of his office.

Governor Burke did not long survive his retirement from office, but died on the 2d of December, 1783, at Tyaquin, his plantation in Orange. In personal appearance, as described by his daughter (heretofore mentioned), he was "of middle stature, well formed and much marked by the smallpox, which occasioned the loss of his left eye, the remaining one being a fine, expressive blue." He was a Roman Catholic in religion, yet held office under the old State constitution, which provided that no person should be eligible to any position of honor and trust who should (among other disqualifying things) "deny the truth of the Protestant religion." Probably he was like Judge Gaston—believed in all the

truths of the Protestant religion, but believed a good deal more besides. Like his compatriot, Governor Alexander Martin, he courted the Muses, and some of his verses are still preserved. This latter talent, however, he did not cultivate to any extent. In one of his letters he says: "I have lisped in numbers; but I took all possible care to conceal my propensity, having always dreaded the idle character of a rhymers." He was "sudden and quick in quarrel," and there are letters extant showing that some correspondence occurred between himself and General John Sullivan, also with Colonel Henry Lee, looking to the settlement of differences by the code duello. In one of his letters he also intimates that distance alone prevented him from calling General Otho Holland Williams to account for that officer's views about the violation of Burke's parole. How the Sullivan matter ended I am unable to ascertain. The affair with Colonel Lee was adjusted through the instrumentality of General Anthony Wayne. Burke's temper was also the cause of some abusive language to a messenger of the Continental Congress, who summoned him late at night to attend a meeting of that body; and Congress conceiving itself affronted in the person of its messenger, sent charges against Burke to the legislature of North Carolina. But Burke was upheld by the legislature, and he afterward wrote to President Laurens, disavowing any disrespect to Congress as a body.

Marshall De Lancey Haywood.



**THE NEW YORK
PUBLIC LIBRARY**

ASTOR, LENOX AND
TILDEN FOUNDATIONS

R

L

hoped that the difference between the sections might be amicably composed and the Union preserved. But when, in April, 1865, the crisis came, he, like the other Union Whigs of the State, recognized that war between the North and the South was inevitable, and promptly he responded to the demand of President Lincoln that North Carolina should furnish troops to coerce the seceded States by taking up arms in defense of the South.

On May 1, 1861, Governor Ellis convened the legislature in special session, and on that same day a State convention was called, the delegates to be elected on May 13th; and besides the volunteer regiments, the legislature provided for the organization of ten regiments of State troops, and Governor Ellis, knowing the patriotic purpose and disposition of Mr. Bynum, on May 8th commissioned him lieutenant-colonel of the Second Regiment of State troops. The State was not only then in the Union, but the delegates to the convention had not then been elected; but so decided was the feeling of the people, that the former Union Whigs and Secession Democrats alike hastened forward in the common cause.

The colonel of the Second Regiment was Colonel C. C. Tew, a very efficient officer, and the regiment, after being well drilled at Garysburg, was stationed for six months on picket duty on the banks of the Potomac. But in the spring of 1862, after New-Bern had fallen, the regiment was ordered back to North Carolina, where it remained until McClellan approached Richmond, when it was hurried to the defense of the Confederate capital.

It was engaged in the battles of Mechanicsville, Cold Harbor, Malvern Hill and Sharpsburg, and in the last-named bloody battle Colonel C. C. Tew, the brave and accomplished colonel of the regiment, was killed. The command devolved upon Lieutenant-Colonel Bynum, who was afterward commissioned as colonel by Governor Vance the 29th of October, 1862. While the regiment was in winter quarters on the Potomac, the legislature of North Carolina elected Colonel Bynum solicitor of the mountain judicial district of the State in March, 1863, and, accepting the office, he resigned his commission in the army, and the command devolved upon the gallant Colonel W. R. Cox. At that period the duties

of the office in the mountain district were dangerous, delicate and difficult. Great dissensions and bitter feelings and fatal collisions constantly took place between the friends and enemies of the war, one side enforcing conscription and the other side resisting it. Colonel Bynum, as solicitor, discharged his duties without fear and without favor, and so highly was his conduct appreciated that he was retained in that position for a period of eleven years, by consecutive elections and appointments, until he was promoted to the Supreme Court bench.

In the summer of 1865, W. W. Holden was appointed provisional governor of the State by President Johnson, and on reorganizing the State government he retained Colonel Bynum as solicitor for his district. In the State convention which met in November, 1865, Colonel Bynum was chosen by the people to represent the county of Lincoln, and at the ensuing election for members of the General Assembly he was again chosen by the people to represent the counties of Lincoln and Catawba in the State Senate.

As a member of the convention, he delivered a notable speech upon the subject of the Bases of Representation in the Legislature, and equalizing it between the Eastern and Western part of the State. In the course of subsequent events representation was distributed by the convention much upon the lines indicated by him.

Supporting Republican measures, he advocated the adoption of the constitution in 1868, and was again elected solicitor for his district by the people, at the same time that the constitution was ratified by the popular vote. In 1871, when the question of calling a convention to reform the constitution of 1868 in some particulars was submitted to the people, he opposed the proposed measures, and the opposition to it was successful. During these years he was closely associated with Governor Caldwell and the leading Republicans of the State, and in 1873, upon the death of Judge Boyden, making a vacancy in the Supreme Court, Governor Caldwell appointed him an associate justice of the Supreme Court. On the bench at that time were Chief Justice Pearson, under whom Judge Bynum had studied law; Judges Reade and Settle, with

whom he had served in the convention of 1865, and Judge Rodman. As strong and learned as those judges were, Judge Bynum was at once received by them as their equal in ability and profound learning.

His opinions are found in volumes 70 to 79 North Carolina Reports, inclusive, and rank with the best in our reports. The general verdict of the Western Bar at least is that Judge Bynum is one of the ablest men who has entered upon the duties of the Supreme Bench since the war. Chief justices have expressed this view, and a careful reading of his opinions will tend to confirm the estimate. There is a clearness and a precision in his written opinions that make them models, and they are marked by an absence of any attempt to display learning by unnecessary discussion in stating the conclusions of the court. Many of his opinions are notable. *Wittkowsky v. Wasson*, 71 North Carolina, contains a noble tribute to the value and sphere of the jury. *State v. Dixon*, 75 North Carolina, is as terse an exposition of the law of homicide as can be found. *Manning v. Manning*, 79 North Carolina, is an exquisite piece of judicial pleasantries, while solving a difficult problem presented then for the first time in our history. In the construction of contracts, all of Judge Bynum's opinions breathed the spirit of olden times, when it was considered disgraceful not to pay debt. The case of *Belo v. the Commissioners*, in which he announced with emphasis as the proper principle of public action the wise doctrine of "pay as you go," won for him merited encomiums, and by it he impressed himself largely on the policy of the State.

In his judicial career Judge Bynum bore himself in a lofty manner. He was true to his convictions of right and to his understanding of the law. On occasions he entered his dissent from the judgment of his associates on the bench, and not infrequently the court has since adopted his dissenting opinions as the law. Among his dissenting opinions was that filed in the case of the *State v. R. and D. Railroad Co.*, 72 North Carolina, in which he refused to concur in the validity of the lease of the North Carolina Railroad, and denied the right of the lessees to change

the gauge of that road. As an illustration of his fairness and impartiality, it is recalled that in the case of *Brown v. Turner*, relative to the public printing, and involving the question of whether the public printer was an officer, the court at first blush accepted the idea that as there were public duties to discharge, the position of public printer was an office and could be filled only by the appointment of the governor. The contestants were representatives of political parties, and the determination of the court was favorable to the Republican Party. Judge Bynum was directed to write the opinion. He undertook to do so, but in studying the case with that view he came to a different conclusion, and was convinced that under the legislation of the State the public printer was a mere contractor and not an officer to be appointed by the executive branch of the government. He wrote his opinion accordingly, and was sustained in it by the chief justice and Justice Rodman, while Judge Reade and Judge Settle filed vigorous dissenting opinions. And so in all other cases before the court Judge Bynum was relied on to do exact justice, not being swerved in any degree from his conviction of what was the law and justice.

The writer of this is permitted to quote the opinion of one of the leading lawyers of the State in regard to Judge Bynum's rank as a jurist: "When we come to speak of Judge Bynum's judicial career, it is there he excelled himself. He was appointed to the Supreme Court Bench by Governor Caldwell, who succeeded to the governorship on the impeachment of Governor Holden. Judge Bynum held office from November 21, 1873, until the expiration of the term. He served about four years, and no man ever brought to the performance of the duties devolved upon him as a justice of that court more careful consideration of the matters which were to be adjudicated during his term of office.

"North Carolina is indebted to him for saving its credit, and the writer heard the greatest author upon Municipal Bonds in the United States say, in the argument of the Wilkes bond case, in the Supreme Court of the United States, that the opinion written by Judge Bynum in the case of *Belo v. Commissioners*, 76 North

Carolina Reports, concerning the law of Municipal Bonds, was never excelled by any justice of any court in the United States. Indeed, after the Stanly bond case was decided against the bondholders, it was upon the strength of this opinion that the new hearing was granted. The principles laid down in the opinion were decisive of both cases. If this case had been cited in the first instance before the Supreme Court of the State, it would have been impossible for the court to have decided the Stanly case as it did. In this opinion Judge Bynum used the following language: 'No check against our indebtedness is so effectual as that *you must pay as you go*, but this is utterly disregarded in the legislation which authorizes the issue of bonds payable at a remote future period. As soon as the sting of taxation is felt, the self-burdened people cast about for relief, and after some hesitating scruples plunge into repudiation or other methods involving the sacrifice of public faith, with its dismal trail of evils. No refuge for repudiation can be found in the legal tribunal of the country. They have sternly resisted every subterfuge to escape a just obligation of these contracts. No branch of the law has been more thoroughly investigated and discussed, with the view of setting it upon a just and pure foundation. And it is a glory of the law that while by application of legal principles it enforces the discharge of such obligations, it at the same time preserves the public morals in maintaining the integrity of solemn contracts inviolable. In no other practical way, perhaps, will the taxpayers be sooner brought to a more vigilant watchfulness of their own affairs and a more careful selection of their public servants. See Dillon on Municipal Bonds, paragraph one.'

"So important did the counsel for the plaintiffs in the Supreme Court of the United States, in the Wilkes bond case, regard this opinion, that the entire record and opinion, both, were printed in the briefs filed in that court. The gentleman referred to who spoke of Judge Bynum was no less a personage than the Hon. John F. Dillon, now probably the greatest lawyer in New York City.

"After the expiration of Judge Bynum's term he settled in Charlotte and associated with him W. P. Bynum, Jr., and a son of the late Judge Shipp in the practice of the law.

"Many lawyers in Western North Carolina thought, during the time he was practicing at the bar, after the expiration of his term, that he was one of the greatest advocates in the State. He never left anything undone that tended to contribute to the success of his side of the case, and be it said to his credit, he never advocated principles of law which he did not believe to be correct. Judge Bynum is over eighty years old at the present time, and in full possession of all his faculties. He always possessed a very keen sense of humor, and it was to be observed from the speeches he made at the bar. Many lawyers think the speech he delivered in Gaston County, in what is known as the Sheriff's case, was one of the greatest efforts ever made by a lawyer in the State. The writer heard a distinguished lawyer, who was one of the counsel opposed to him on that occasion, say that he never heard anything like it. It should be mentioned in connection with his judicial career that he never failed while on the bench to read every part of the record and every part of all the briefs in every case."

On the bench he had the entire respect and confidence of the legal gentlemen who were in the habit of appearing in that forum, and his retirement was much regretted even by those who were political friends of the new court. In 1878, at the popular election, the personnel of the court was entirely changed, the Democrats then electing their candidates.

Since retiring from the bench, Judge Bynum has steadily refused all solicitation to re-enter public life, though he has retained the entire confidence of his party, which has been anxious on more than one occasion to honor him. Apart from attention to his private affairs, literature, of which he is fond, has engaged a larger share of his time and interest. A well-stocked library divides with his garden and flowers the passing day. A certain part of his income is devoted to the church and charitable purposes. A church chapel at the Thompson Orphanage in Charlotte

and another at Greensboro, near the Normal College, for the convenience of the pupils of that school, have been built at his expense. The Germanton Church has received his help, and more than one struggling seeker after an education has been aided by him. Industry and good judgment enabled him to acquire a fair fortune, and in his quiet retired life he had not been indifferent to the welfare of his fellow-men, especially remembering the youth of the State. The State contains no nobler monument of domestic affection and at the same time of usefulness to the youth of the State than the gymnasium erected at Chapel Hill in memory of his grandson, William Preston Bynum, and at the same time intended and dedicated to the use and benefit of the students of the University of the State.

Besides his only son, the Rev. William Shipp Bynum, an Episcopal minister of great ability and promise, who died in the prime of young manhood, the judge had one daughter, Mary Preston, who died unmarried. The son married Mary L. Curtis of Hillsboro, daughter of Rev. Dr. Curtis, a distinguished botanist and divine of his day. By her there are five living children—Mary De Rosset, Eliza Shipp, married to B. C. Justice of Rutherfordton; Minna, married to Dr. Archibald Henderson, professor at Chapel Hill; Curtis Ashley, now a law student, and Susan, a pupil now at St. Mary's, Raleigh.

Judge Bynum himself performed his duty well as a soldier and in the important positions he filled in civil life. His law practice occupied, to the exclusion of politics, his best years, and he sought neither notoriety nor display. He stood before the State most conspicuously during his service upon the bench, but that service was the flower and fruit of long previous preparations, well fitting him for a judicial career. In a green old age he experiences the happiness which comes from right living, love of country and of friends, from moderation and self-control.

His alma mater, Davidson College, conferred upon Judge Bynum the honorary degree of LL.D.

In person Judge Bynum is tall, and distinguished for his fine countenance, every feature betokening intelligence and intellectu-

ality. His manner is easy, quiet and entirely self-possessed, indicating the strength of his natural endowments. His family has ever been known for mental capacity and personal courage. From it have sprung three judges, all men distinguished in their generation.

William S. Pearson.



**THE NEW YORK
PUBLIC LIBRARY**

**ASTOR, LENOX AND
TILDEN FOUNDATIONS**

R L

no less than for his integrity and capacity, and during the Revolution was an active partisan officer, and with Colonel William Shepperd and Major Joseph Winston effectually suppressed the disaffected Tories of Surry County.

There were five sons issuing from the union of Hampton Bynum and Mary Colman Martin. The oldest, John Gray Bynum, easily took place among the first men of the State. Another was the distinguished William P. Bynum, the lieutenant-colonel of the Second Regiment of State troops at its organization, and who, after the disappearance of Colonel Tew at Sharpsburg, whose fate was long uncertain, remained in command of the regiment until 1863, when, being elected by the legislature solicitor of the Sixth District, he retired from military service. In 1873 he became associate justice of the Supreme Court, and ranked among the most esteemed jurists of the State. Another was Benjamin Franklin Bynum, who married Charity Henrietta Morris, and who, like all of his family, was chiefly engaged in agricultural pursuits, but who also carried on the business of merchandising. Highly esteemed because of his integrity, blameless life, kindly spirit, and deeds of charity, he exerted a wide influence in his community. During the war he rendered efficient service to the State as major in a regiment of North Carolina troops.

William Preston Bynum, Jr., the subject of this sketch, was born in McDowell County, August 1, 1861, and is the fifth son of Benjamin Franklin Bynum and Charity Henrietta Morris. Reared in the country, when not at his books he was employed in all kinds of work incident to farm life, and taking a lively interest in whatever it fell to his lot to do, he early formed habits of industry and the practice of applying himself vigorously to everything that engaged his attention. Under the care of his parents he made rapid intellectual development, but while he indulged his taste for reading, he was likewise fond of out-of-door sports, which constituted his recreation and amusement, and which tended to make more firm his naturally robust constitution. At first he attended the public schools of his neighborhood, and then became a pupil at the Kernersville High School and at the Dalton

Institute in Stokes County. In January, 1881, he entered Trinity College, where he was graduated in June, 1883, at the head of his class, having received the Braxton Craven medal for scholarship in his junior year. After graduation he entered the law school of Judges Dick and Dillard at Greensboro, was examined by the Supreme Court, and in February, 1884, obtained his license to practice law.

At the suggestion of his uncle, the distinguished judge bearing the same name as himself, who was then practicing law at Charlotte, North Carolina, he joined him, and in the early years of his professional life had the benefit of Judge Bynum's experience and direction. He soon became known as a successful lawyer, and in the year 1887 moved to Greensboro, where his ability soon made a place for him at the bar in that city; and on March 9, 1892, he led to the altar Miss Mary Fleming Walker.

Like his distinguished uncle, Judge William P. Bynum of Charlotte, he was a Republican in his political affiliations, and in 1892 was a Presidential elector on the Republican ticket. When in 1894 there was co-operation among the opponents of the Democratic Party, he was nominated for solicitor of the Fifth Judicial District, and elected, and served in that capacity until October, 1898, when he resigned to accept the office of Superior Court judge for that district. In January, 1899, he was appointed special assistant United States attorney, and in that capacity successfully prosecuted the defendants in the Asheville bank cases, and by his management of these cases added to the reputation he had long enjoyed in his own State, and extended this reputation to other States. When some of the justices of the Supreme Court of the State were impeached in 1901, he was one of the counsel employed in their defense, and although the charges against them were of a political nature, and especially involved their attitude to the General Assembly, yet he and his associates managed the trial so successfully as to secure their acquittal, notwithstanding the Senate, before whom they were tried, was composed largely of political opponents, whose associates in the House had preferred the charges against them. In April, 1904, he resigned his position

in the service of the United States with a view to devoting himself more closely to his civil practice, whose growing importance claimed his entire attention.

No man is more loved and respected by his associates at the bar than is William P. Bynum, Jr. While he is universally recognized as an antagonist to be dreaded, he is no less known as one who will not deign to stoop to any trick or artifice to win his case. With him the practice of the law is a priesthood in the Temple of Truth, and he has never made it a trade or business the ultimate end of which is the making of money. His keenest delight is in the study of the law as a science, and in supplying a reason as the foundation stone of its every principle. He is not content in his investigations until he has consulted every source of authority which might throw light upon the question at issue. Those who come nearest him feel that he must have patterned his professional life after Lord Brougham's words when he said: "It was the proud boast of Augustus Cæsar that he found Rome a city of brick and left it a city of marble; but how much prouder shall be the boast of that man who shall have it to say that he found the law dear and left it cheap; found it a sealed book and left it a living letter; found it the heritage of the rich and left it the inheritance of the poor; found it a two-edged sword of craft and oppression and left it the staff of honesty and the shield of innocence."

As a State's prosecuting officer he ranked among the most able and successful who have ever graced that office in North Carolina, and yet his work in this trying position was not more marked by his ability to obtain verdicts than by his determination to see that justice was done between the State and the prisoner at the bar, and when, after investigation, he found in his opinion that the facts did not warrant placing the liberty of a citizen in jeopardy, no matter how humble, no amount of influence from any source, public or private, could be brought sufficient to allow the prisoner to be arraigned. He not only would not appear in the prosecution, but would refuse to allow his position and his docket to be prostituted to any such purposes.

While distinguished at the bar for his eloquence, scholarship

and extensive learning, his method of attack is by charging the front rather than the execution of a flank movement, and his weapon the battle-axe rather than the rapier. Having won his victory, he is at all times magnanimous, and will not lend himself to such oppressions as his advantages might secure.

In private life he is noted for his broad-minded, open-hearted charity. No struggling young lawyer ever sought his aid in vain. His library is free to him, and he is never too occupied to aid him with his counsels and suggestions. He is first of all a student, and is deeply interested in natural science, and has also devoted himself particularly to works on the science of government. He has amassed in his home one of the most extensive and well-chosen private libraries in the State, and is never happier than when sitting with the works of the great masters piled in profusion about him.

He has received from his alma mater, and well merits, the degrees of A.B. and A.M. His favorite book is the Bible, and no man in North Carolina outside of the ministry is more familiar with its passages or the history of the periods which throw light upon its pages. He is a member of the Protestant Episcopal Church, and his interest in the live questions of the day has led him to become a member of the American Civic and Social Science Association. Animated by a broad philanthropy, he is a member of the Masonic order, and is also an Odd Fellow and an Elk.

Looking back into the past, he attributes his first impulse to strike for success in life to the influence of his parents and of the books he read in his early years, and his career has been due to his home life and to fortunate early companionship and his constant contact with right-thinking men, whose association he has enjoyed in his vocation. The keynote of success, he suggests, is work and steady perseverance, and his highest encomium is the fact that those who know him most intimately love him most devotedly and respect and revere him most unreservedly.

Zebulon V. Taylor.



STEPHEN CABARRUS

IN the period immediately succeeding the Revolution, few men were the equal of Stephen Cabarrus in personal popularity and influence. Mr. Cabarrus was a Frenchman, born in 1754, and came to America while the war was in progress. Our records do not throw light on his early life. There was a family of Cabarrus in France to which belonged Count François Cabarrus, born in 1752, who settled in Spain, and was a valued councillor at the courts of both Charles IV. and Joseph Bonaparte. This Count Cabarrus had a daughter, Jeanne Marie Ignace Therese de Cabarrus, who, while the wife of Tallien, influenced that Revolutionist to effect the destruction of Robespierre. This lady afterward became Princess de Chimay. Coming as he did from the same country, it is possible that Stephen Cabarrus was of the same family to which belonged the Count.

It was in the closing year of the Revolution, 1783, that Mr. Cabarrus first appeared in the legislature of North Carolina. He represented the county of Chowan. As that county was so prolific of great men, this election was no small compliment to one who had only recently come to North Carolina. He was returned to the legislature in 1784, the following year, not from the county of Chowan, but from the town of Edenton, borough representation being allowed under the constitution of North Carolina then in

force. Sessions of the legislature then being held annually, he was again Edenton's representative in 1785, 1786 and 1787; in 1788 he was again returned from Chowan, and served six terms up to and including 1793. He was also the county's representative at six sessions from 1800 to 1805, both inclusive. During the greater part of his service in the House of Commons he was speaker of that body, usually being elected unanimously. He filled the post of speaker for ten terms—at four sessions from 1789 to 1792, both inclusive, and at six sessions from 1800 to 1805, both inclusive. In 1786, during his early service as a member of the House of Commons, he was on the committee which investigated the great frauds in connection with Revolutionary land grants, and was chairman of the committee which examined prisoners charged with those crimes. Mr. Cabarrus was an enthusiastic member of the Masonic fraternity, and belonged to Unanimity Lodge at Edenton. He was a delegate from that lodge to the Masonic convention which met at Tarboro on the 27th of December, 1787, and reorganized the Grand Lodge of North Carolina, which had ceased operations during the Revolution. Mr. Cabarrus was a member of the State convention of 1788, which rejected the Federal Constitution; he was also elected in 1789 on the first Board of Trustees of the University of North Carolina, and remained a member thereof till 1792.

It was in the year 1792 that an honor was conferred on Mr. Cabarrus which will preserve his name for all time—the establishment of the county of Cabarrus, so called as a compliment to him. The act establishing this county is Chapter XXI. of the Laws of 1792.

Another very important public service rendered by Mr. Cabarrus was in connection with the permanent establishment of the seat of government at Raleigh. Of all the several legislative bills introduced for the establishment and regulation of the new capital, the first was the one brought before the General Assembly at Fayetteville in November, 1790, providing that the Convention Ordinance of 1788 about a permanent seat of government should be carried into effect. When a ballot on this bill was taken, the

vote was a tie, and Speaker Cabarrus gave his casting vote in its favor, thus securing its passage through the House. When sent to the Senate, however, a tie vote resulted also; Speaker Lenoir gave his casting vote against it, and it was thereby defeated. But in 1791 the legislature passed a similar bill, and several years later Mr. Cabarrus was made one of the commissioners to start the new city on its career. Something more than a half mile south of the Capitol Square in Raleigh to-day is a street running east and west, which is called Cabarrus, in honor of Mr. Cabarrus.

History describes Stephen Cabarrus as a man of great generosity combined with a courtliness of manner and that general polish so characteristic of the Frenchman.

Mr. Cabarrus died on the 4th of August, 1808. The following notice of him appears in the *Edenton Gazette* of August 11, 1808:

"With the deepest regret we have to announce the death of the Hon. Stephen Cabarrus, Esq., during many years a distinguished member and speaker of the Assembly of this State. He died at his seat near Edenton on the 4th instant, aged fifty-four years. The perfect and undeviating rectitude which at all times marked his conduct in his many public and social relations, his humane and charitable disposition, his amiable manners and improved understanding, render his loss a subject of universal regret. On a retrospect of his life and a recollection of his many virtues, the tongue of malevolence must be struck dumb, and eulogy itself confess its want of power to do justice to his name. His mortal remains were followed to the grave by a numerous concourse of respectable inhabitants; and, summoned by the Grand Architect of the Universe, we trust his soul has ascended to the mansion assigned it in its native skies."

In its issue of the same date, August 11th, the *Raleigh Register* said:

"Died, at his seat in the vicinity of Edenton, on the 4th instant, Stephen Cabarrus, Esq. This gentleman was a native of France, but came to this country during the Revolution, and served for upwards of twenty years as a member of the legislature of this State, for many years of which he was speaker of the House of Commons. Those who had the happiness of being acquainted with the deceased will bear willing testimony of his worth. To sound intellect, improved by a liberal education, he joined the strictest integrity with the greatest urbanity of manners; and truly exemplified in his character that

"'An honest man's the noblest work of God.'"

The country seat of Mr. Cabarrus was Pembroke, near Edenton.

He made his will less than a year prior to his death, in 1808, and in it mentions his three sisters, Marianna, Cadette and Julia Cabarrus, then living at or near Bayonne, in France; his brother Auguste and nephews Thomas and Augustus Cabarrus, then living with the testator; Clarence, wife of his brother Bartholemy Cabarrus, living in France, at Paris; Julia Beaulieu Charrier, wife of Jean Charrier, fils, living near Bordeaux, France (this lady being sister of the testator's deceased wife, whose name is not given); Sophia and Polly Niel, General William Richardson Davie and Judge John Louis Taylor. He likewise provides in this will for the emancipation of several of his servants, each of whom was also to receive one hundred dollars. His brother Auguste Cabarrus, Judge John Louis Taylor, Samuel Tredwell and John Roulhac are named as executors.

Whether the brother and nephews of Mr. Cabarrus whom he mentions in the above-quoted will remained in America or returned to their native land the writer of this sketch is not informed.

Marshall De Lancey Haywood.



**THE NEW YORK
PUBLIC LIBRARY**

**ASTOR, LENOX AND
TILDEN FOUNDATIONS**

L

Methodist Church, given to hospitality, unostentatious in his mode of living, and in all his dealings he maintained a high standard that illustrated the excellence of his character. He was ever a true patriot; indeed, he was descended from Revolutionary stock, for his ancestor, John Carr, who was born in County Down, Ireland, in 1728, in colonial days settled in Virginia, and served as an ensign in the First Virginia Regiment in the War of Independence; and his patriotic spirit has been perpetuated in his posterity.

The mother of General Carr was Elizabeth Pannill Bullock. She was of the Granville family of that name, which for generations has been noted for strength of character and sterling worth, a family whose members wherever they have resided have always stood high and exerted a strong influence in their respective communities.

It is to such a parentage, whose character instead of wealth gives a title to respectability, that most of the strong, great men who illustrate American life owe their origin.

Endowed by nature with a frank and amiable disposition, and reared under the careful eyes of his excellent parents, Julian S. Carr developed into a manly youth. Strong and healthy, he was not content to be idle, and when vacation came he was at work either on his father's farm or helping in the store.

He was born on the 12th day of October, 1845, and at an early age was sent to the village school, and when turned sixteen entered the University. But before he had finished the course there the demand for recruits to fill Lee's depleted ranks led him to abandon college and don the Confederate uniform. He enlisted as a private in Company K, Third North Carolina Cavalry, in Barringer's Brigade, and took his stand beneath the stars and bars as a man ready to make every sacrifice in defense of his country.

After the war had closed he entered into business with his father at Chapel Hill, and then spent a year in Arkansas, returning to North Carolina in 1870.

Soon after his return he was able to make the purchase, for \$4000, of a third interest in a tobacco partnership which W. T.

Blackwell and J. R. Day were conducting at Durham. It was a small but prosperous business, with hardly any capital and no particular prospect of improvement. That was a day of small things in the industrial life of North Carolina. Durham itself consisted of only about a dozen houses, and excepting a few cotton factories that had survived the war and a few small tobacco factories, there were no industrial enterprises in the State. Manufacturing was a new business. Our people had not been trained to it, and those who had capital feared to embark in an untried field, especially as money brought an interest of eighteen and twenty-four per cent.

However, hopeful of the future, the firm of W. T. Blackwell & Company, now reinforced by the quick apprehension of its junior member, pressed on their work. The financial management fell to the care of Mr. Carr, and so skillful was he that, although he was often embarrassed because of insufficient capital, the business continued to expand, and after some years of hard struggle and persistent labor it became very profitable.

And eventually, under the sagacious administration of its managers, it grew to mammoth proportions, its unparalleled success being both gratifying and astonishing to the people of the State. Mr. Carr desiring to still further expand, Mr. Blackwell sold his interest to him, as Mr. Day had done earlier, and the business was continued on still larger lines than ever before. The creation and successful management of such a vast business, no less than the income it gave, brought Mr. Carr a great reputation. He was by long odds the greatest business man who had up to that time ever been in the State, while his disposition to make donations to worthy objects and his frank, pleasant manners endeared him to the public.

However, Mr. Carr found it to his interest to dispose of his factory, receiving for it a large fortune, and since then he has devoted his talents to other enterprises, especially to the First National Bank of Durham, of which he has been president from its creation. Indeed, since his retirement from the tobacco business he has been harder worked than ever before, for his interests

have been more diversified and have demanded more time and attention. But trained in the management of affairs, quick to apprehend and master details, and prompt to decide, he has a remarkable capacity for the despatch of business, and has embarked in many new undertakings.

Indeed, no other citizen of the State has had such diversified interests or has contributed so generally toward the promotion of new enterprises. Whenever some new corporation was to be started, the promoters of it generally sought Mr. Carr for advice or co-operation, and he has been persistent in endeavoring to develop the industrial resources of North Carolina, and particularly has he been the originator or the chief promoter of a great number of the enterprises that have contributed to the rapid growth of his home town—Durham.

Possessed of ample means, and a man of decided public spirit, he has become a member, generally a director and often the president, of a long list of corporations, while he has rendered useful service as a trustee of schools and colleges in the interest of an advanced education. Especially has it been agreeable to him to devote time and labor as a trustee and member of the Executive Committee of his alma mater, the University of North Carolina.

But as large as has been the business interests of General Carr, he has found time to indulge his spirit of benevolence by selecting worthy objects for large donations, and by liberal contributions for charitable purposes, and aiding persons who were in distressed circumstances. His purse has been open to a remarkable degree to the widow, the orphan, the unfortunate and for the aid of young men seeking the means of an education. In these lines he has doubtless been of more use to deserving persons needing help than any other citizen of the State, and many there are who hold him in grateful remembrance for his repeated kindnesses.

His donations to churches have been important, and while he has adhered to the religion he was taught at the knees of his pious mother, and has been a leading member of the Methodist Episcopal Church, South, in North Carolina, he has not confined his

benevolence to that denomination, but has been broad enough to embrace other Christian churches in his donations.

When the crisis arrived in the affairs of Trinity College (then situated in Randolph County), following the death of Dr. Craven, and the Methodist Conference, under whose fostering care the institution was conducted, felt impelled by the stress of circumstances to abandon it, General Carr came forward and, assisted by two other Methodist laymen, J. W. Alspaugh and James A. Gray, undertook the conduct of the college for three years free of all cost to the church.

At the expiration of the three years, Messrs. Alspaugh and Gray, feeling that the burden was larger than they cared to share, retired from the management of the institution; but General Carr, single handed, stepped into the breach, and by a donation of \$10,000 saved Trinity College to Methodism. Later, when it seemed wise to remove the college from Randolph County to Durham, General Carr gave his check for \$20,000 for the grounds upon which the present magnificent plant of Trinity College is situated, and donated this beautiful location to the Methodist Church. Truly, Methodism and Trinity College have had no more loyal friend than General Carr, because he has proved the old maxim, "A friend in need is a friend indeed."

When, by unfortunate circumstances and conditions, Greensboro Female College, the female college of the Methodist denomination in North Carolina, passed under the hammer and was sold to the highest bidder, and was lost to Methodism, General Carr headed a syndicate that repurchased the property and saved the college to his church. For several years he was president of the Board of Directors that managed the institution, and during that period the college prospered, and was conducted on a plane that won the admiration not only of the Methodists, but of the entire people of the State as well. Besides devoting his time and talent freely to the management of the college, he gave liberally of his means to equip a library and to augment the Educational Loan Fund. Scores of young women, as well as young men, are to-day possessors of diplomas from these fine schools, and are

thus better equipped for good citizenship and greater usefulness through his munificence.

So, too, with Wake Forest, Davidson, Elon College, St. Mary's and the Baptist University for Women, the leading institutions of learning of their several denominations, for they have each been recipients of his beneficence; while the University, his alma mater, and properly styled "the head of the educational interests in North Carolina," points with pride to one of the stateliest buildings on its beautiful campus, and has christened it "the Carr building" in honor of its donor.

When the battleship *Maine*, peacefully riding upon the bosom of the Gulf, was sent to the bottom while the ill-fated crew lay sleeping, the country was shocked, and there came the cry, "To arms, to avenge the Maine." The general Government called upon each of the States to furnish its quota of troops. North Carolina promptly raised her complement, the town of Durham furnishing two companies, one white and one colored. There was some delay before the colored company could be assigned for duty, and at his own expense General Carr provided for the members of the company pending the action of the Government making a regimental assignment.

When the regiment containing the white company was ordered to the front, General Carr followed in its wake, and as far as possible saw that "the boys" were provided with every comfort consistent with army regulations. Nor was his thoughtfulness limited to those from his own town, but every member of the North Carolina Regiment who desired or needed anything was remembered. The exigencies of the situation forced action upon the United States before the department was entirely prepared, and the new troops were badly equipped and not promptly paid. For months after entering the service they relied entirely upon their own private revenues and resources. To relieve the situation, which had passed the stage of inconvenience and bordered closely upon destitution and suffering, General Carr wired General Alger, the Secretary of War, for permission to advance the First North Carolina Regiment one month's pay, tendering his check

for \$25,000. He appointed one white and one colored commissary to scout the town of Durham, with instructions that the house rent, doctor's and grocer's bills of every family in his community, white or colored, whose dependence and support was in the army and that needed the assistance, should be paid at General Carr's expense. This course of conduct was persistently pursued until the two companies were mustered out of service and returned home. If there be a parallel to General Carr's patriotism and liberality during that period within the entire United States, it is unknown.

An ardent Confederate, he has looked especially after the old veterans, and his liberality and active exertions for their benefit early led to his election as the president of the Confederate Veteran Association of North Carolina, an honor which he has now enjoyed for many years; while his efforts in behalf of the Soldiers' Home have likewise endeared him to the old veterans.

On the organization of the United Veteran Association of the Confederate States, he was elected as the major-general for the North Carolina division, to which post he has annually been re-elected, and as major-general he has since commanded the North Carolina Veterans wherever they have been assembled.

General Carr has always been an active Democrat, has made large contributions for the benefit of that party, and has exerted a strong and beneficial influence in the party councils. Naturally, he has had an ambition to share the party honors and to find scope for his administrative abilities, confessedly of a high order, in conducting the affairs of state; and at one time he desired the office of governor, but the nomination was not then conferred, and after that his business engagements have precluded such public employment, and in the year 1896 he virtually declined the nomination. At the National Democratic Convention held in Kansas City in 1900, North Carolina and Idaho complimented General Carr with their votes for the Vice-Presidency, and during that year he was persuaded by many friends to present his name for the position of United States senator, an office that he was exceedingly well equipped for and would have filled with much

credit to the State; but the two preceding campaigns had been of extraordinary interest and importance to the people, and had been won so successfully and admirably by the splendid work of Hon. F. M. Simmons that a majority of the people thought that the vacant senatorship should be bestowed upon that gentleman, whose services had been so important and whose capacity also peculiarly fitted him for its high duties.

General Carr gracefully yielded to the verdict of his party friends, and has continued to exert as strong a political influence in the State as he has ever done. Indeed, of General Carr it has been said that next to Senator Vance he was the best beloved North Carolinian and the most universally popular. By united party voice he has been four times a delegate from the State at large to the National Democratic Convention, and has been instrumental in naming the Democratic candidates for President and Vice-President and making the declaration of party principles.

In the church as well as the State he has rendered conspicuous service; he has twice been a delegate to the General Conference of the Methodist Episcopal Church, South, and also to the Robert Raikes Sunday-school Convention at London.

It has been the fortune of General Carr to have been often called upon to deliver public addresses, and in their preparation he has exhibited a fund of information on a large variety of subjects, that bespeaks wide reading, while the elegant composition, close argument and just sentiments of his addresses excite admiration.

The reading which he has found most beneficial and most attractive is of books of biography and travel; and notwithstanding he has been so extensively engaged in manufacturing and banking and public employment, he has found time to gratify his taste for farming, having established a model farm at Occaneechee, in the vicinity of Durham.

On being asked what were the relative influences that led to his success in life, General Carr replied that he attributed his success, first, to his home life and early companionship, which formed his character, and then to his contact with men, observing

those things that were admirable in human conduct and noting the weaknesses and other characteristics that were derogatory to high manhood.

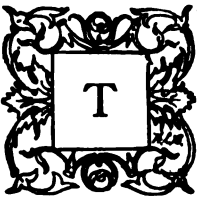
On the 19th of February, 1873, General Carr was united in marriage with Miss Nannie Graham Parrish, the accomplished daughter of Colonel D. C. Parrish, who owned a beautiful country seat in the northern part of what was then Orange, now Durham, County. This union has proved a most delightful one, and has been blessed with six children, in all of whom their parents are fortunate and happy. Eliza Morehead, married to Henry Corwin Flower of Kansas City, Missouri; Lallah Rooke, married to William F. Patton of Pennsylvania; Julian S., Jr., married to Margaret Cannon of Concord, North Carolina; Albert Marvin, Claiborne McDowell and Austin Heaton. During the thirty-two years of their married life, no couple of North Carolina have enjoyed greater respect or esteem than have General and Mrs. Carr, for the general has found for his mate a veritable queen among women. Their social life has been on an elegant plane, and General Carr's handsome residence, Somerset Villa, which is an ornament to the State, is named in honor of his early kinsman, Robert Carr, the Earl of Somerset, and here is known of all North Carolinians open-handed, genuine Southern hospitality.

S. A. Ashe.





SAMUEL PRICE CARSON



THE family of Carsons have occupied a large place in the history of Western North Carolina, and the subject of this sketch was the most distinguished of that name. About 1773, John Carson, a native of Ireland, then just twenty-one years of age, located in Burke County, where he accumulated a large estate and raised a family of many sons. He married first a daughter of John McDowell, and by her had five sons and two daughters, and then he married the widow of Colonel Joseph McDowell, and by her had four sons and one daughter. He was a man of much influence in his county, and in 1805 and 1806 represented Burke in the legislature. His sons also were strong men, and Joseph McDowell Carson was often in the legislature, and was a member of the constitutional convention of 1835 from Rutherford County, where he resided. A younger son, William M. Carson, also represented Burke County in the legislature.

The subject of this sketch was the eldest son by his last wife, and was born at Pleasant Gardens, in the county of Burke, on the 22d of January, 1798. Having a fondness for political life, at the age of twenty-four he was elected to the State Senate, and again in 1824. In that year he also became a candidate for Congress against Dr. Robert B. Vance, the sitting member, who at the previous election had beaten Hon. Felix Walker, who had represented that district in Congress for six years, and who, it is said,

was the originator of the expression, "talking for Buncombe." The candidacy of Carson, because of his youth and inexperience, was treated by Dr. Vance and another competitor, Hon. James Graham, with some ridicule; but he possessed talents of a high order and won many friends, and Mr. Walker withdrew from the campaign and threw his influence for Carson, who was elected. At the next election, in 1826, Dr. Vance was again a candidate, and on the stump charged old Colonel Carson with disloyalty during the Revolutionary War, which Colonel Carson denounced as utterly false, and on Dr. Vance's repeating the charge, subsequently Mr. Carson challenged him; and after the election, and early in 1827, they met at Saluda Gap, on the South Carolina State line. Carson was accompanied by David Crockett, and at the first shot Vance fell mortally wounded, and died at midnight, his last words being, "Out, brief candle." It is said that Carson was very much affected in after life by the tragic termination of this affair, and that he had expressed the purpose of not shooting to kill, but his second, Hon. Warren R. Davis of South Carolina, had assured him that if one or the other were not killed, the result would be only another meeting. Later in life Mr. Carson acted as a second in an affair between Hon. David F. Caldwell and Hon. Charles Fisher; and also in another affair between Governor Branch and Governor Forsyth of Georgia. In these affairs he performed the full duty of the second under the code in seeking to effect an amicable adjustment, and in both instances he succeeded. Mr. Carson was constantly re-elected to Congress until 1833. A warm Democrat, he was a supporter of Jackson's administration, and became a close friend of the President, whom it is said he sometimes represented on the floor of the House. He was unusually gifted as an orator, possessing great command of language, a fine imagination and a charming voice. Free from affectation, with a manner dignified, easy and graceful, he had the power of swaying an audience at will and holding them spellbound by his eloquence. Indeed, it has been said of him that he was the best impromptu speaker in Congress, and that at a time when there were so many men of the highest distinction in public life.

During his Congressional career, parties and factions and the strife of personal ambitions rose to an unusual height. Jackson bitterly antagonized Clay on one side and Calhoun, who in 1828 had been elected Vice-President on the same ticket with himself, on the other. On the nullification of the Tariff Act by South Carolina, Jackson had forced through Congress his Force Bill, and had taken such measures against South Carolina as drove off from him many of the State's Rights men in North Carolina, among them Mr. Carson. At the election of 1832 Jackson was re-elected and Carson was defeated in his district; but in 1834 he was elected by his county a member of the State Senate, his people at home being devoted to him. His health, however, was feeble, and he resolved in 1835 to move to Texas, then struggling to free herself from the oppressions of Mexico. He made a journey to that distant country, and on his return found that Burke County had elected him a delegate to represent her in the constitutional convention that was to be held in June of that year. His brother, Joseph McDowell Carson, was also a delegate in the same convention from Rutherford County. In that body he voted for removing the restrictions on Catholics in regard to holding office, and for the election of the governor by the people for the term of two years, and against Judge Gaston's amendment allowing free negroes to vote, provided they possessed \$500 worth of property and had not been convicted of any infamous crime, the vote in the convention being 55 in the affirmative and 64 in the negative. At the conclusion of the session, when the venerable Nathaniel Macon was tendered the thanks of the convention for the manner in which he discharged the duties of president, Mr. Carson rose and expressed a hope that "that mark of well-deserved respect to their venerable friend for probably the last public act of his life would be testified by the members of the convention standing," and every man in the convention rose in response. On the conclusion of Mr. Macon's remarks, and when the applause of the convention had ceased, Mr. Carson himself arose and said "that he was about to leave old North Carolina to reside in the far West, where he should be happy at all times to see any friend

from the old State—to be a North Carolinian would be a sufficient recommendation; his house and corn crib should be at the service of his friends.”

The next year he removed with his family to Texas, where in the same year he was elected a member of the convention of Texas, the body which created the Republic; and he was sent as a commissioner to Washington City to intercede for the recognition of the Lone Star Republic among the nations of the earth.

In May, 1831, Mr. Carson had married Catherine, a daughter of James Wilson of Tennessee, by whom he had one daughter, who became the wife of Dr. J. McDowell Whitson of Talladega, Alabama, a descendant of Mr. John McDowell, whose daughter was the first wife of Colonel John Carson.

Mr. Carson's health continued feeble in his Western home, and in November, 1840, he died at Little Rock, Arkansas.

S. A. Ashe.





RICHARD COGDELL

IN his "History of North Carolina" (II, 89, note), Dr. Hawks says that the family of Cogdell is of Swiss origin, and descended from one of the members of Baron de Graffenried's colony at New-Bern, North Carolina. The name was written Coxdaile in the earlier records at New-Bern.

The most noted member of this family at the time of the Revolution and just prior thereto was Colonel Richard Cogdell, whose home was in New-Bern. He was born July 8, 1724, and was the eldest of the fourteen children of George Cogdell and his wife, Margaret Bell.

Colonel Cogdell's first military service in time of war was during the insurrection of the Regulators in 1771, when he held the rank of lieutenant-colonel in the army of Governor Tryon. In the year following he was promoted to the full rank of colonel.

Being in high favor with the existing authorities prior to the Revolution, Colonel Cogdell's personal interests might have tempted him to take no part in the movements looking to a change in the form of government, yet he was among the very earliest to support the rights of America against the unjust claims of Great Britain. He was a delegate from Craven County to the Provincial Congress which assembled at New-Bern in August, 1774, despite the efforts of Governor Josiah Martin to prevent its meeting. In a

similar Congress at New-Bern in April, 1775, he was also a delegate from Craven, as he was also to the third Congress held at Hillsboro. Thus it will be seen that Colonel Cogdell's services in the cause of the colonies were of an important nature long before independence was declared. Another position held by him prior to the date of the Declaration of Independence was member of the Committee of Safety for the New-Bern district. To this committee he was elected on September 9, 1775. Of the Committee of Safety for Craven County he was chairman. Colonel Cogdell was very active and zealous. The determined action of himself and associates in raising an independent company at New-Bern so alarmed the governor that about May 27th Governor Martin fled from his palace and took refuge in Fort Johnston, at the mouth of the Cape Fear. Colonel Harvey died in May, and on May 31st the Wilmington committee wrote to Sam Johnston, who succeeded Harvey as moderator, urging him to convene another Congress. In forwarding this letter on the 8th of June Colonel Cogdell joined in that recommendation, and also mentioned that the Citizens of Craven were then signing the association and the militia were electing their officers. On the 31st of May the committee of Mecklenburg adopted resolves establishing a free and independent local government, based on the suffrage of the people. These resolves were printed in the *New-Bern Gazette* on June 16, and on the 18th of June Cogdell sent the paper to Sam Johnston and wrote to him: "You will observe the Mecklenburg resolves exceed all other committees, or the Congress itself. I send you the paper wherein they are inserted, as I hope this will soon come to hand." On June 23, 1775, Colonel Cogdell was one of the leaders of the force which seized the six pieces of artillery in front of the palace at New-Bern directly after the flight of Josiah Martin, the last of the royal governors. On the 7th of September, 1775, he was appointed one of the commissioners whose duty it was to sign the paper currency of the colony. Colonel Cogdell was elected judge of the Court of Admiralty on April 25, 1776. On May 12, 1779, he was elected treasurer of the district of New-Bern. Twice during the Revolution he was a member of the

North Carolina House of Commons from the town of New-Bern, serving in the sessions of 1778 and 1779. A warm promoter of education, as early as 1764 he was a trustee of the New-Bern Academy.

Colonel Cogdell married Lydia Duncan on the 8th of July, 1752, and had by her nine children, as follows: Ann Cogdell, who married John Wright Stanly; Margaret, who married John Green; Phoebe; Richard, who married Nancy Ormond; Sarah; Susannah, who married first Wright Stanly and secondly Bela Badger; Charles; John; and Lydia, who married Thomas Badger, and who was the mother of the North Carolina statesman, Judge George E. Badger, United States senator, secretary of the navy, etc.

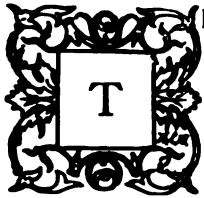
Colonel Cogdell was a member of the Masonic fraternity, holding his membership in St. John's Lodge, No. 3, at New-Bern. His death occurred on the 10th of May, 1787.

Marshall De Lancey Haywood.





JOHN DAVES



THE patriotic town of New-Bern sent many brave soldiers to the field in the war of the Revolution, and none of these bore a more honorable part in that conflict than John Daves, who retired from the service at the close of hostilities as a captain of Continentals, and became a major of State troops in North Carolina several years after the return of peace. He was a native of Mecklenburg County, in Virginia, and 1748 was the date of his birth. In 1770, or shortly prior thereto, he came to New-Bern, where several of his relatives had already settled. The first purchase of land in New-Bern made by him was on the 25th of October, 1770. This was a town lot on what was then called Eden Street. He later purchased other lots and country tracts as well, becoming the owner of extensive landed property prior to his death.

The first wife of Mr. Daves was Sally Bryan, a daughter of John Council Bryan of New-Bern, and the only issue of this marriage was a son, who was named for his father and died young. This child was predeceased by its mother.

Though the earliest record of the service of Mr. Daves in the Revolution gives him an officer's rank in the Continentals, or Regulars, there is a tradition among his descendants that his first military experience in that war was as a volunteer in the forces of Colonel Richard Caswell throughout the campaign which re-

sulted in the decisive American victory at the battle of Moore's Creek Bridge on February 27, 1776.

Mr. Daves became quartermaster of the Second North Carolina Continental Regiment on June 7, 1776, his colonel being Alexander Martin, afterward governor of the State. Martin's predecessor as colonel was Robert Howe, who had recently been made a brigadier-general, and later rose to the rank of major-general. The Second Regiment being assigned to the brigade of General James Moore, which was made up at Wilmington in the summer of 1776, it repaired to its appointed station in due season. Wishing to be relieved from his position as a staff officer, Quartermaster Daves was transferred from that position and commissioned ensign, September 30, 1776, in a company of the Second Regiment, commanded by Captain Charles Crawford, also an officer from New-Bern. Toward the end of 1776 the brigade was ordered to join Washington's army in the North, but while the North Carolinians were on their line of march, and had reached Halifax, they were ordered to return and proceed to the relief of Georgia. They were stopped by another countermanding order at Charleston, and remained in that vicinity for some months. General Moore died January 15, 1777, and was succeeded in his command of the North Carolina Brigade by General Francis Nash. Under Nash the North Carolina troops joined Washington's forces in the summer of 1777. In the actions at Germantown and Brandywine Ensign Daves was engaged, and for his bravery in the latter he was promoted to the rank of lieutenant, his commission dating from the day of the battle, October 4, 1777. At Germantown his brigade commander, General Nash, was killed, as were also many other officers from North Carolina, this State leading all others in the losses of that day. Colonel John Patten succeeded to the command of the Second Regiment, November 22, 1777. Lieutenant Daves bore a share in the sufferings of the winter of 1777-78 at Valley Forge. In the spring of 1778 he was on recruiting duty in North Carolina. He was in the fight at Monmouth on the 28th of June, 1778. The winter of 1778-79 he spent in camp at Morristown, New Jersey. He was one of the

officers selected to serve under Major Hardy Murfree in Wayne's forlorn hope in the capture of Stony Point on July 16, 1779, and was severely wounded in that desperate and successful enterprise. In November, 1779, the North Carolina troops were ordered to re-enforce General Benjamin Lincoln in South Carolina, but did not reach Charleston till the 13th of March, 1780. When the American garrison at Charleston was surrendered by Lincoln to Sir Henry Clinton on May 12, 1780, Lieutenant Daves was made a prisoner of war, and was not exchanged till June, 1781. Practically all of the North Carolina regulars being lost to the service by the capitulation of Charleston, the Continental regiments of the State were rearranged, and by this means Lieutenant Daves was transferred to the Third Regiment of these "new levies" on January 1, 1781, while still a prisoner. After his release he fought at the battle of Eutaw Springs, September 8, 1781, and for his gallantry there he was promoted to the rank of captain, his commission dating from the day on which the battle was fought. Captain Daves was "deranged," or retired, and placed on waiting orders in January, 1783, and honorably mustered out in November of the same year. He became a major of cavalry in the North Carolina State troops on the 5th of January, 1787.

In the year 1783, when the war was over, Captain Daves aided in organizing the North Carolina Society of the Cincinnati. This order in North Carolina later became dormant, and Professor Edward Graham Daves (grandson of Captain Daves) joined the Maryland Society in 1884. When the North Carolina Society was revived in 1896, John Collins Daves, son and successor of Professor Daves, was one of its charter members, and is now its vice-president. Major Graham Daves, brother of Professor Daves, was an honorary member of the revived society in North Carolina and vice-president at the time of his death.

After the close of the Revolution, Major Daves was appointed collector of the port of New-Bern by President Washington. He was also appointed by Washington to the office of "Inspector of Surveys and Ports of No. 2 District—Port of New-Bern." Before North Carolina went into the Union, Major Daves was

collector of the port of Beaufort. He was a vestryman of Christ Church, and also a member of the Masonic fraternity, belonging to St. John's Lodge, No. 3, of New-Bern, which was chartered before the Revolution by Provincial Grand Master Joseph Montfort.

The death of Major Daves occurred on the 12th of October, 1804. The Raleigh *Register* of October 29th in that year contains this brief notice of his death:

"Died, at New-Bern, on the 12th instant, Major John Daves, a Revolutionary officer of great respectability. His remains were interred with military and Masonic honors."

The remains of Major John Daves rested at New-Bern till June, 1893, when his descendants had them removed to the Guilford Battle Ground, near Greensboro, where they now repose.

In April, 1782, when the war was practically over, the second marriage of Major John Daves took place. The lady he then married was Mrs. Mary Davis, widow of Oroondatis Davis, and daughter of Andrew Haynes by his wife Nannie Eaton. Major Daves was her third husband, she having been the wife of Joseph Long of Halifax before marrying Mr. Davis.

By his marriage as above, Major Daves had four children, as follows: Sally Eaton, who married Morgan Jones of Maryland in 1801 and died in New-Bern in 1802, leaving an only child, Mary McKinlay Jones (name changed to Pugh by adoption), who married the Hon. Andrew R. Govan; Anne Rebecca, who married Josiah Collins of Edenton, North Carolina; John Pugh, who was three times married: first to Mary Bryan Hatch, second to Jane Reid Henry, and third to Elizabeth Batchelor Graham; and Thomas Haynes, who married Harriet Hatch, and moved in 1836 to Alabama, where he died in 1839, leaving descendants.

Among the children of the above-named John Pugh Daves and Elizabeth B. Graham were the late Professor Edward Graham Daves and Major Graham Daves, both well known as men of letters. Major Graham Daves published in 1892 a pamphlet biography of his ancestor, Major John Daves of the Revolution.

Marshall De Lancey Haywood.

**THE NEW YORK
PUBLIC LIBRARY**

ASTOR LENOX AND
TILDEN FOUNDATIONS

R L

Moore, who had won high fame as a general, and who, in 1703, was governor of South Carolina, married Elizabeth, a daughter of Sir John Yeamans, the first governor of Carolina, these two streams of blood mingled, and in every succeeding generation there have sprung from this famous stock men of the highest type of exalted manhood.

Mr. Davis was entirely the product of Cape Fear influences. For a century his people had been among the first in social standing in that part of North Carolina, and enjoyed a society not surpassed in excellence elsewhere in America.

The Davis family came from South Carolina to the Cape Fear about the time of the permanent settlement in 1725, and their association was with the most considerable planters on that river. In a later generation Thomas Davis, whose mother was a Miss Assup, an Irish lady, married Mary Moore, a granddaughter of both "King" Roger Moore and John Baptista Ashe; their son, Thomas F. Davis, married Sarah Isabella Eagles, a daughter of Joseph Eagles, a gentleman of elegant culture, and she became the mother of Thomas F. Davis and of George Davis. The former began life as a lawyer, and then, entering the ministry, became the bishop of the Episcopal Church in South Carolina. The latter is the subject of this sketch.

Mr. George Davis is descended from Major Alexander Lillington and Colonel Sam Swann of the Albemarle colony and of Sir John Yeamans and Governor Moore of the South Carolina colony, as well as from other equally worthy lines of colonial ancestors; and he was among the representatives of those men whose axes had first rung in the forests of the Cape Fear, of those who had been prominently connected with the history of the two Carolinas from the time of the first settlement and who had been actors in the most interesting episodes of the history of the Cape Fear. With such traditions he grew to man's estate, a worthy scion of an illustrious stock, and in his own career he exemplified the virtues and excellence he had inherited while shedding additional luster on the name of his native State.

He was born on March 1, 1820, on his father's plantation at Porter's Neck, then in New Hanover County, and after being taught by that excellent instructor, Mr. W. H. Hardin, at Pittsboro, he was prepared for college by Mr. M. A. Curtis, later the distinguished minister and botanist, who was then employed by Governor Dudley as a tutor for his children. How diligent he was in his studies and how capable as a student is attested by his entering the University of North Carolina while still in his fourteenth year, and graduating at eighteen with the highest honors of his class. In his valedictory address he gave evidence even at that early age of mature thought and ripe scholarship. He applied himself to the study of the law with the earnest purpose to excel in his profession, and in the year 1840 obtained his license to practice law, but was not admitted to practice in the courts of the State until 1841, when he attained his majority.

That he was gifted with rare powers of oratory soon became evident, but he did not rely on forensic eloquence for success. He realized that law is a jealous mistress, and he sought to win professional rewards by close and severe study and by painstaking preparation, seldom equalled among the lawyers of North Carolina. First and last he was a student of the law; but he did not neglect that high culture that contributed to make him an ornament of his profession. While becoming well versed in every department of legal learning, he also maintained a familiar acquaintance with the classics, and was an appreciative student of general literature. He thus developed not only into the learned lawyer, but into the man of letters, the polished gentleman, and withal, the eloquent advocate. The Wilmington bar, ever strong, never was stronger than during Mr. Davis's career; and he found competitors calling for his best efforts and requiring the exercise of his highest powers; but by diligence and painstaking accuracy he successfully coped on many a field with the strongest and most distinguished of his adversaries.

On November 17, 1842, he married Mary A. Polk, a daughter of Thomas G. Polk, and a great-granddaughter of Thomas Polk,

one of the signers of the Mecklenburg Declaration of Independence, a lady of rare loveliness of character and of person, and in full sympathy with the elegant tastes of her husband.

Cast by nature in the mold of his noble ancestors, Mr. Davis equalled them in personal characteristics and social accomplishments, while surpassing them in literary attainments. He had a charming personality, was dark rather than a blond, was of medium height, with rounded limbs well knit; carried his head with an easy poise, was gracious in his manner, and possessed the art of pleasing to a remarkable degree. Full of information, quick and with a ready mind, he excelled in conversation and was a delightful companion. With all the manly characteristics of his race, he was bold and courageous when need be, but was ever the polished, kindly gentleman.

Like his brother, the saintly bishop, he was pure in thought and action, and a devout Christian. Familiar with the trend of scientific thought, he was never shaken in the belief he had learned at his mother's knee; but all hard matters of religious import that passed his comprehension he humbly relegated to the realm of faith, and he accepted with a clear conscience what was hidden in obscurity or beyond his understanding. Tolerant of human infirmities, he pursued the tenor of his life so evenly as never to have excited animosities; but he so despised a meanness and duplicity that such an action aroused his wrathful indignation, and he could neither spare a miscreant nor refrain from denouncing any deflection from fair dealing and honorable conduct. Such was the man himself, of a tender and affectionate nature, a polished, courtly gentleman, loyal and steadfast in his friendships, with high ideals and lofty purposes. His motto seems to have been Thoroughness and his guiding star Truth.

He was always at home among his books, and he made friends of the choicest authors. He was thus enabled to give an elevated tone to all his addresses, even to those hastily delivered, on a sudden occasion, in the court-house, and his reputation grew as an elegant as well as eloquent orator.

On the 8th of June, 1855, he delivered an address before the

two literary societies of the University on the "Early Men and Times of the Lower Cape Fear," which is not only delightful in its style of narrative, but abounds in flights of genuine eloquence. The next year he delivered a literary address before the Greensboro Female College, which has been regarded by many as one of the best efforts of his life. In 1860 Edward Everett, under the direction of the Mount Vernon Association, delivered at Wilmington, as at many other places, his famous address on the "Life and Character of General Washington." He was introduced by Mr. Davis. In Everett's Diary, which has been published, he said that during the course of all his travels he had met but one man who he thought was of superior excellence to himself as an orator—Mr. George Davis of Wilmington.

Mr. Davis's reputation constantly grew as an able, great lawyer and as an unsurpassed advocate, and when he was to speak in the court-house great crowds attended to hear him. In politics he was a Whig, and the State and his district being Democratic, there were no avenues open to him to political preferment, even if his disposition had been to enter upon a public career. But official life had no attractions for him; still, he became the mentor of his party in that section of North Carolina, and he enjoyed the confidence and esteem of all the citizens without respect to party affiliations.

When in 1860 the shadow of a great national convulsion settled over the country, the patriotic leaders in North Carolina were divided in their views. No man surpassed Mr. Davis in manhood or in devotion to the welfare and honor of his people, but he loved the Union, and steadfastly counselled moderation. The people of North Carolina shared his sentiments, and on January 26, 1861, the legislature appointed commissioners to represent the State at Montgomery, at Richmond, and in a peace congress called by Virginia to meet at Washington City, with the purpose of endeavoring to secure a peaceful solution of sectional differences; and Mr. Davis was one of those who attended the Peace Congress at Washington on February 4, 1861, which was in session three weeks. In that Congress North Carolina and Vir-

ginia voted against every article adopted but one; still, as weak as the report was, it was not acceptable to those who controlled the Federal Congress. Up to this time the Union sentiment in North Carolina had been strong. On the return of Mr. Davis, he was solicited to deliver an address upon the situation, which he did at Wilmington on March 2d. This address has been regarded as a masterpiece of oratory. The people were profoundly moved and the hearts of all were deeply stirred. Mr. Davis said he had gone to the Peace Congress to exhaust every means to obtain a fair and honorable and a final settlement of existing differences. He had done so to the best of his abilities, and had been unsuccessful, for he could never accept the plan adopted by the Peace Congress as consistent with the rights, the interests or the dignity of North Carolina. As the result of his address and of his position, the whole Cape Fear became united in the sentiment and feeling that there was no hope of securing the rights of North Carolina by adhering to the Union. Such was the confidence in Mr. Davis that the people followed where he led.

When President Lincoln called for North Carolina's quota of troops to aid in coercing the Gulf States which had seceded, the whole State at once espoused the cause of the South, and on May 20th the State seceded. A month later Mr. Davis and W. W. Avery were elected senators to the Confederate Congress, and in 1862 he was again elected to that position, his associate being Hon. W. T. Dortch. In the Senate Mr. Davis's views were so patriotic, so wise and just, and his excellence was so highly appreciated, that on January 4, 1864, President Davis invited him to become the attorney-general of the Confederate States, and he continued to hold that position of close association with the President and as legal adviser of the Confederate Government until its final dissolution at Charlotte on April 26, 1865.

During his attendance on the Peace Congress, and while he was senator and a member of the Cabinet at Richmond, Mr. Davis was thrown in close contact with the most distinguished

and the strongest men of the country, and he at once took high rank among them because of his accomplishments, his intellectual vigor and his fervid patriotism. The wife of President Davis, who had long been associated with the great men of this country, wrote of him: "He was one of the most exquisitely proportioned of men. His mind dominated his body, but his heart drew him near to all that was honorable and tender, as well as patriotic and faithful in mankind. He was never dismayed by defeat. When the enemy was at the gates of Richmond he was fully sensible of our peril, but calm in the hope of repelling them; and if this failed, certain of his power and will to endure whatever ills had been reserved for him." This is an admirable portrayal of the man. He was manly and courageous, as well as endowed with high virtue and lofty characteristics. He was equal to the highest station in social life and the most responsible duties of official administration. In his sphere of action at Richmond he had no superior, and he warmly attached to him all who were brought in contact with him, and he exerted a strong influence in determining the action of the Confederate Government in all matters of legal import.

He accompanied the President to Charlotte at the time of Lee's surrender, and was with him when Johnston furled the last flag, and he was filled with poignant grief at the overthrow of the Confederacy. It was indeed a time of heartrending woe and fearful anxiety; woe because the fabric of the Confederate Government had fallen, involving the most cherished hopes in disaster; all the sacrifices and deaths and sufferings of the Southern people had been for naught; and at that critical moment Abraham Lincoln was assassinated by the fell blow of a demented actor; and the North, maddened by the horrible crime, accused the Confederate authorities with having procured its commission, and cried aloud for vengeance. A price was set on the head of President Davis, and orders issued for the arrest of his Cabinet. Mr. George Davis was greatly distressed. His wife had died in 1863, his children were scattered, and he had become engaged to be married to a lady, then in Richmond, for whose safety and

welfare he felt the most anxious solicitude. He was without gold or silver or any means. As terrible as the situation was to all Confederates, to him it was doubly so. He first sought the home of his good brother, the bishop, and then, like other high officials, passed down into Florida, intent on escaping to British soil, and seeking to provide for his children and fulfilling the obligations of his natural affections. It was several months before he could get to sea, and then he had to venture in a small, leaky boat with rotten sails, running daily the hazard of shipwreck. After a month beating about on the sea unavailingly, he determined to abandon the voyage and return to Key West. There he was arrested. He was imprisoned for some months in Fort Hamilton, but was finally released on parole not to leave the State of North Carolina. Returning home, he gathered his children around him, and again opened his law office and entered upon the practice of his profession. On the 9th of May, 1866, while he was still on his parole, Miss Monimia Fairfax of Richmond, Virginia, to whom he was engaged, became his wife, and their union was a most happy one.

Mr. Davis never afterward sought or held political office, but he gave his best thought to the solution of the vexed questions which confronted the Southern people in those years of dire calamity. He was the wise counsellor, the prudent adviser of those who blazed a way out of the difficult wilderness of those evil times. In 1868, when the question was of acquiescing in the domination of the negroes and their leaders, the carpet-baggers, he delivered an address in the opera house at Wilmington which was perhaps the most admirable political effort ever made in America. And on other occasions he also made memorable addresses. In 1876, particularly, he electrified a great audience with one of his splendid efforts of oratory. The learned Dr. T. B. Kingsbury, whose elegant taste and discriminating judgment give particular value to his opinion, said of it in the *Wilmington Star*, of which he was then the editor: "There was humor, there was sarcasm, there was an exquisite irony, there were flashes of wit, there was an outburst of corrosive scorn and indignation that were

wonderfully artistic and effective. At times a felicity of illustration would arrest your attention, and a grand outburst of high and ennobling eloquence would thrill you with the most pleasurable emotions. The taste was exceedingly fine, and from beginning to end the workings of a highly cultured, refined, graceful and elegant mind were manifest. There were passages delivered with high dramatic art that would have electrified any audience on earth. If that speech had been delivered before an Athenian audience in the days of Pericles, or in Rome when Cicero thundered forth his burning and sonorous eloquence, or in Westminster Hall with Burke and Fox and Sheridan among his auditors, he would have received the loudest acclaim, and his fame would have gone down the ages as one of those rarely gifted men who knew well how to use his native speech and to play with the touch of a master on that grand instrument, the human heart. We could refer at length, if opportunity allowed, to the scheme of his argument, to his magnificent peroration, in which passion and imagination swept the audience and led them captive at the will of the magician; to the exquisitely apposite illustration, now quaint and humorous, and then delicate and pathetic, drawn with admirable art from history and poetry and the sacred Truth—to these and other points we might refer, but it would be in vain. How can words, empty words, reproduce the glowing eloquence and entrancing power of the human voice, when that voice is one while soft as Apollo's lute, or resonant as the blast of a bugle under the influence of deep passion? How can the pen convey to others the sweet melody of harp or viol, or how can human language bring back a forgotten strain, or convey an exact impression that is made by the tongue of fire when burdened with a majestic eloquence?" Indeed, Mr. Davis probably had no equal in America as an orator. Some may have surpassed him in some of the elements of oratory, but taking him all in all, it is doubted whether any one has measured fully up to his high performance. In North Carolina Senator Ransom has made some addresses worthy to be mentioned along with Mr. Davis's, and probably Joseph Alston Hill also was equal to him in some points, but other than these there has been in this

State no masterful orator that approximated him in his best orations.

A particular incident the writer recalls. General Lee shortly before his death paid a visit to Mr. Davis, and the presence of that beloved and revered character had brought him still closer to the hearts of the people, and when the news of his death was announced at Wilmington a public meeting was immediately held, at which Mr. Davis made some remarks appropriate to the mournful occasion. He appeared dressed in black, with his hands crossed before him, his posture and expression betokening the sorrow he felt at the death of his friend and of the passing away of the great Confederate leader. By the modulation of his voice and his simple words of grief, he so moved the audience that in every part of the hall men wept, and there was an exhibition of public woe that has seldom been equalled.

But as consummate as was his forensic ability, it was well matched by the accuracy of his learning and his mastery of the technicalities of the law. He was painstaking and most careful. It has been said that a man's writing is an index to his character; and even here his habitual carefulness was manifest, for he formed each letter with the precision of a clerk, and his sentences were clear, precise, and left no room for any doubt as to their meaning. The quicksands of the law he ever avoided, and he conducted the affairs committed to his charge on the bed rock of justice and legality. He was employed in the most important litigation of his section, and in all the great railroad matters connected with the lines centering in Wilmington; and he was the adviser of the authorities of the Wilmington and Weldon Railroad, and so admirably were the affairs of that company conducted that they were always free from legal embarrassment. When the sale of the Western North Carolina Railroad was determined on in 1880, he was employed, together with Judge Thomas Ruffin, to advise the legislature and prepare the contract of sale, and their work was a marvel of skill, protecting the State's interest at every possible point. On the death of Chief Justice Pearson, Governor Vance, in Janu-

ary, 1878, offered Mr. Davis the chief justiceship of the Supreme Court, which he declined because his first duty in life then was to make some provision for the little children that had come to him in his age, and upon the bench he would be compelled to abandon such a hope. Poor in purse, he lived modestly and soberly within his limited means. But his home was a temple where the domestic virtues were enshrined and where elegant culture and sweetness and light made an atmosphere grateful to his nature and in harmony with the tenderness and gentleness of his disposition. Around him gathered his friends and kinsmen, and he entered with sympathy into their lives and strengthened them with high purposes and elevated sentiments. His fondness for literature gave a charming flavor to his home life, and particularly was he interested in State history, and he was never happier than when making original investigations into the historical episodes of the Cape Fear. He laid open the book of the past and incited others to become familiar with the incidents that redounded to the honor of North Carolina in former times. Doubtless it was in association with Mr. Davis that Colonel Saunders was inspired to undertake the great work of collecting and publishing the Colonial Records which have been so valuable to the State, while Mr. Davis's own contributions to historical literature have been themselves of abiding interest and importance.

He continued to lead the life of an eminent private citizen until his death at Wilmington on February 23, 1896. Although the high official station he had occupied during the period of the Confederacy had given him a particular prominence, it had added nothing to the full stature of manhood which distinguished him among men. His virtues, his culture, his excellence made him illustrious, and the people regarded him as their most eminent citizen, and revered him for his character, and when he departed from their midst he was mourned as no other man of his community had ever been.

S. A. Ashe.

THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX AND
TILDEN FOUNDATIONS

R

L

William Polk of Raleigh, a lady of rare loveliness of character and gentleness, who combined fine culture with a thorough discharge of her duties in life, and who exerted a strong influence on the moral and spiritual life of her household.

The subject of this sketch was rather delicate in youth, and his tastes led to books and reading and the pleasures of the house, but he also enjoyed the sports of the field with gun and dog, as well as the pastimes of the water, and found recreation in the enjoyments afforded by the attractive sounds in the vicinity of Wilmington.

At first he attended the excellent schools taught by Mr. Levin Meginney and Mr. George W. Jewett, but on reaching his twelfth year he became a pupil at the celebrated Bingham School at the Oaks, near Mebanville, in Orange County, where he remained four years, thus passing that period of his life largely in the country, while his vacations were spent in the charming circle of which his home at Wilmington was the center.

After the war began his father moved his wife and children to Charlotte, and Junius Davis there studied for a few months under the Rev. Mr. Griffith. In 1863, at the age of seventeen, he enlisted as a private in Moore's Battery, which was Company E of the Tenth North Carolina Regiment. Part of the battery was with General Hoke at the capture of Plymouth, and being afterward joined by the entire command, marched to Washington, North Carolina, and from there to New-Bern to take part in the attack upon that place. His battery was hurriedly withdrawn from New-Bern and accompanied Hoke's Division to Virginia, and was at the battle of Drury's Bluff. About this time his battery was attached to a battalion commanded by Major Moseley, and shortly afterward he was promoted to corporal. He served with his battery in the movements that "bottled up" Butler at Bermuda Hundreds, and was engaged in the subsequent battles around Richmond until the battery moved into the trenches at Petersburg, where it occupied the Salient on the Norfolk Railroad, being supported by the brigade of General Gracie. He was daily and nightly under heavy fire from artillery and mortars, and par-

ticipated in the battle of the Crater on the 30th of July, 1864, and also in the assault on Fort Harrison, and he continued to endure the hard experience which fell to the lot of Lee's veterans until the evacuation of Petersburg. Through all these dangers and perils Corporal Davis passed with the great good fortune of escaping without any serious wound, although he was wounded in the neck on the last day in the trenches.

In the retreat to Appomattox the battery was at first a part of the rear guard, and underwent great privation, and was engaged almost constantly, and particularly was roughly handled at Deatonville and Sailor's Creek; but on the evening of the 7th it was moved forward, and became a part of the van, there being at that time no enemy in the immediate front. On the afternoon of the 8th of April the battalion, then under the command of Major Blount of Georgia, Moseley having been killed at Petersburg, together with other batteries, numbering in all some twenty-five or thirty pieces, passed beyond the village of Appomattox about a mile and went into park in an old field between the main road leading to Lynchburg and the railroad. This being the advance, the infantry had not come up, and there was no support to the artillery except some seventy-five artillerymen, who had lost their pieces and had armed themselves with muskets and rifles they had picked up on the route. Shortly after they had camped, a squadron of cavalry dashed through the camp from the front shouting, "Sheridan's cavalry is upon us. You had better get out." The seventy-five extra men immediately deployed in the front as skirmishers, while the artillery shelled the woods so effectively as to check the Federal advance and drive back the assailing force. Late in the afternoon those advanced batteries were directed to withdraw, and they returned to Appomattox Court House, but still later they again resumed the forward movement, and led the march toward Lynchburg, and while on this route, having gained the point where they had earlier been attacked, about a mile from Appomattox, the enemy was again encountered. The artillery was at that time moving on the right side of the road, while on the left was a long wagon train. It was just after dark, when

suddenly the stirring notes of a bugle blast were heard, and not a hundred yards away came dashing on them a heavy force of Sheridan's cavalry, pouring into the artillery a hot fire from carbines and pistols. The charge was quick and entirely unexpected, but immediately the artillery unlimbered and got into position with double-shotted canister to repulse the attack; but the wagon train being between them and the enemy, their guns could not be fired, and a staff officer hastily passing from the rear to the front, directed the men to take care of themselves, for resistance was now hopeless.

The squad of men of which Corporal Davis was a part dashed into the neighboring woods, and before going a hundred yards their own guns were turned upon them, but fortunately they escaped. They penetrated the woods about a mile, and being uncertain of the situation, remained there that night. Early in the morning they met with an officer of McGregor's Mounted Battery, who informed them that he had it from the best authority that General Lee was about to surrender. The information could not be credited, and Corporal Davis and the two men who were with him could not fully understand how such a calamity could happen; but on being again assured that General Lee was about to surrender the army, they realized the terrible situation, and with heavy hearts, overwhelmed with distress, they determined to make the best of their way out. Moving cautiously along, they crossed the river and finally reached Lynchburg, where they met Major Blount of their own battalion, who, together with some men and two of their guns that had not been captured, had also reached that place. Major Blount drew his men up and made them a little speech, advising them to go home subject to his orders and be ready to report to him if again called into service.

Corporal Davis with some companions pursued their sad way along the Norfolk and Western Railroad to Liberty, now Bedford City, having the purpose to join Johnston's army, and hurrying along to escape capture. When they reached the vicinity of Greensboro, they, however, heard of Johnston's surrender, and that the last Confederate army had disappeared. Corporal Davis therefore

came into Greensboro and surrendered himself to the Federal provost-marshal at that point and was paroled.

Returning to Charlotte, all business being at a standstill and everything disorganized, it was some time before he could obtain employment, although entirely without funds or any means. After a while, however, he was engaged to accompany carloads of cotton, which was then hauled on open flat cars, and was liable to be burned by sparks from the engine as well as liable to depredations and thefts by Federal soldiers and others. Cotton about that time was selling for \$1 in gold per pound, and gold was worth more than 50 cents premium on the dollar, and Mr. Davis's employment was to accompany the cotton and watch it and protect it while being transported from Charlotte to New-Bern.

He was engaged in this business for several months, but in the fall of 1865 he returned to Wilmington, being then twenty years of age, and in the absence of any other opening, was glad to be employed as a clerk in the dry-goods store of Messrs. Weil & Rosenthal, esteeming it a kindness on the part of Mr. Weil to give him this opportunity to earn his livelihood. Indeed, at that time nearly every one was in a similar condition. The soldiers returning from the army to their farms found occupation in the cultivation of their fields, but the young men of the towns had no means of support except such earnings as they could make by daily labor, and one who obtained constant and regular employment was esteemed fortunate by his associates. As a clerk Mr. Davis rendered faithful and efficient service to his employers, and passed through the dark days of those uncertain times with the resolution to make the most of his circumstances.

His father, who on the fall of the Confederacy had sought to escape to British territory, after an unsuccessful attempt to pass beyond seas, was captured by the Federal authorities at Key West and had been imprisoned at Fort Lafayette; but eventually he was released on parole and returned to Wilmington and resumed his practice of the law, and in 1867 his business was sufficiently remunerative for the son to relinquish his clerkship and to enter upon the study of the law, as he proposed to seek a professional

career. In that year Junius Davis began to read law in his father's office, and made such progress that in the following spring he obtained his license to practice in the county courts, and he was associated as a partner with his father, and the association continued until the death of Mr. George Davis in 1896.

Inheriting much of the talents of his father and many of his characteristics, and trained by him in the details of professional work, Mr. Junius Davis fell into the same careful habits, precision and thoroughness that were so marked in the career of that distinguished lawyer. He early mastered the intricacies of the law and became a fine practitioner, and succeeded to the confidence which his father always inspired among his clients, so that he himself became the adviser of the most important interests centering at Wilmington, has long been the division counsel for the Atlantic Coast Line Railway Company and the attorney of the Consolidated Railways, Light and Power Company, and for other well-known corporations. Indeed, as a lawyer he has achieved eminent success, his practice being very lucrative, and he has attained a high position in his profession, his opinion having as great weight as that of any other lawyer in the State of North Carolina.

As a business man he is also much esteemed, and among other positions he holds is that of president of the Wilmington Railroad Bridge Company.

Mr. Davis has not sought political preferment, but has always been an active and zealous worker for the success of the Democratic Party. Careful, prudent and far-sighted, he has sought results that would be beneficial to his community, and in the revolution at Wilmington in 1898 he was one of the members of the committee that directed events, and he took an active part in those proceedings which have resulted so greatly to the advantage of that city and to its commercial and business interests. Indeed, he was instrumental during that crisis in bringing about the consent of Governor Russell that there should be no Republican opposition to the election of the Citizens' candidates.

Partaking of his father's literary and historical turn of mind

and disposition, he has in like manner been for years interested in the local history of the Cape Fear, and has amassed a notable collection of historical material. His professional life, however, has been so laborious that he has not been led often into the fields of literature, and his public addresses have been few. The most important of his literary efforts was that when, on behalf of the Society of the Cincinnati, he presented to the Supreme Court of the State the portraits of James Iredell and Alfred Moore, justices of the Supreme Court of the United States. This address is of unusual excellence. It has a genuine literary flavor and the style is strong, forceful and elegant. It abounds in flights of eloquence, while the foundation of it rests on historical facts skillfully marshalled, showing research and familiarity with the history of the State and fine talents in presenting them in a form and manner to entertain and instruct. One catches the pervading sentiment of Mr. Davis's own life in its closing sentence: "May the example of their useful lives, their spotless integrity and their distinguished services inspire coming generations to emulate them and follow in the lofty paths they walked through life."

Mr. Davis is an honorary member of the North Carolina Society of the Cincinnati and a member of the North Carolina Sons of the Revolution and a member by baptism of the Protestant Episcopal Church.

On January 19, 1874, Mr. Davis was happily married to Miss Mary Orme Walker, a daughter of Thomas D. and Mary Vance Walker, a lady admired and beloved by all who knew her. Mrs. Davis having died, some years later he married, November 6, 1893, Miss Mary Walker Cowan, a daughter of Colonel Robert H. Cowan of Wilmington, North Carolina. He has had eleven children, of whom nine survive.

S. A. Ashe.



JAMES FEW

“And he became famous among men, for they had executed judgment upon him.”—*Ezekiel*.

THE Few family was of English origin. Its progenitor came from Market Lavington, Wiltshire, with William Penn to Pennsylvania in 1682. He was a Quaker, and in 1714 his wife bore him a son, whom he called William.

William Few, on attaining his majority, removed to a farm that he had purchased in Baltimore County, Maryland. Some years afterward he married Mary Wheeler, a Roman Catholic of Harford County of the same province, then finally severing his connection with the Quaker meeting. James, the second son of this marriage, was born in Baltimore in 1746. In 1757 William Few came to North Carolina, seeking a climate more genial and a soil more fertile. He soon selected and purchased from James Taylor, a co-religionist and a recent comer from Pennsylvania, a tract of land containing 640 acres, beautifully located on both sides of the Eno River, six miles east of the present town of Hillsboro. This land was one great forest, as yet untouched by the axe of the settler. He then hired a man to make a clearing and build a house for him, and returned home. In the fall of 1758, after gathering his crops and selling his land and goods that could not be transported, he migrated to North Carolina, conveying his effects in a wagon drawn by four horses

and a cart drawn by two. With him came his wife, four sturdy sons—Benjamin, James, William and Ignatius—two young daughters and four negro slaves.

William Few prospered in his new home. In 1763 he purchased 200 acres of land just a mile from the county seat, then Childsburg, now Hillsboro, and made his residence there. In the same year he established a grist and saw mill on the Eno, and was licensed to keep a tavern at his residence. In 1767 he purchased another large tract of land on Little River.

The boyhood and youth of James Few, the subject of this sketch, was passed in labor upon his father's farms and in attendance upon a neighborhood school presided over by an excellent teacher. He was considered by his family its brightest and most promising member. When it is remembered that all his brothers subsequently became distinguished in Georgia (William, later, in New York also), he must have been endowed with no ordinary capacity. He was destined by his father for the bar, and the removal near Hillsboro was in itself an advantage to him in this regard. James Milner, the Halifax lawyer, seems to have been a friend and adviser of the family. Edmund Fanning himself was kind in the loan of books, certainly to William, the younger, and probably to James. There, too, were the quarterly county courts, of which his father was several times foreman of the grand jury, and to which the people came in crowds to hear the news, to trade, to discuss current events and for the interchange of opinion.

For many years these hardy sons of the field and the forest had been keenly sensitive to any infringement upon their so-called natural rights. To secure them they had left the old country for the new and braved the thousand hardships and dangers of the wilderness. The individualism of their character had indeed become so assertive in the absence of contact with the world, that they were restive even under the restraints of the law. The more intelligent among them, too, were talking more and more of political right, particularly of taxation without representation. The burden of their complaint was this: "The public officials are robbing us under forms of law, and we cannot get redress. Taxa-

tion is burdensome, and we have no part in the levying of those taxes, for are not the very men who are robbing us, Thomas Lloyd, Francis Nash and Edmund Fanning, our representatives in the Assembly?"

Under such influences James Few surrendered his more selfish ambition to become a lawyer that he might enter the lists as a champion of the people. The motives of men are too complex for me to assert that in this he was influenced solely by the generous enthusiasm of youth. He may have been foully wronged by Edmund Fanning. Hatred of him may have taken him into the ranks of his foes. The historian, however, when he comes to weigh the evidence here, will scarcely credit the statement of an old Regulator who lived a hundred miles from James Few, though sustained by the exuberant eloquence of Dr. Hawks, against known facts which inferentially but positively negative the scandal. However this may be, James Few entered into the contest with the inflamed zeal and energy of a crusader. He had the divine commission to rid the world of oppressors, and he must obey it.

In the midst of this turmoil of spirit he married, whom I cannot ascertain, and his wife, on February 9, 1771, gave birth to twins, a son William (mark the name) and a daughter Sally, and their descendants exist to-day—some prominent. He seems to have resided during this period not at his father's home (now the Kirkland place), but on Little River farm.

The culmination of his career was reached in the Hillsboro riot of September, 1770. He took an active part in all the outrages of that day—in the flogging of lawyers and sheriffs and clerks, in the cutting down of Fanning's house and in the destruction of his household goods, and in the chasing away from town of obnoxious officials and individuals. Not, however, in the mock court—he was too earnest for that. For these illegal acts he was among those indicted at New-Bern under the Johnston Act.

As a captain of a band of Regulators he fought bravely at Alamance. He was, however, overpowered and made prisoner. The next day, May 17, 1771, after those slain in battle had been

buried, he was, in the camp of his foes, hung by the neck until he was dead—an execution that was wholly arbitrary, not based upon any moral, legal, political or military necessity. In short, it was one of those murders that is always remembered by the world with pity for the victim and horror for the executioners. Yet it was withal a heroic death. A messenger from the camp thus tells the Moravians of it a few days after: "A certain young man, a fine young fellow, had been captured, and when given the alternative of taking the oath or being hanged, he chose the latter. The governor wished to spare his life, and twice urged him to submit. But the young man refused. Again when the rope was placed about his neck he was urged; again he refused, and as he was swung into eternity Governor Tryon turned aside with tears in his eyes." Notwithstanding the terrible invective of Governor Tryon by Atticus for this unnecessary execution, it may be that had Few submitted himself by taking the oath to observe the law, his life would not have been sacrificed.

James Few lived the life of an enthusiast and died the death of a martyr.

Benjamin and Ignatius Few removed to Richmond County, Georgia, in 1770. Their father, with the rest of his family, except William, joined them there in the fall of 1771. William also went to Georgia in the fall of 1775.

A few years after his death the widow of James Few married again, and Colonel Benjamin Few came to North Carolina, secured the two children, and returned with them to his home in Georgia. In his family they grew to maturity, and from his house Sally was married.

Authorities: I am indebted to a gentleman who married a descendant of Sally Few for much information, and to the 8th Colonial Records, Haywood's "Tryon," page 133 *et seq.*; Clewell's "Wachovia," page 109; *Magazine of American History*, November, 1881, and the public records of Orange County. The examination of the last was complicated by the fact that there were three James Fews in the county, all contemporaries.

Frank Nash.



BURGESS SIDNEY GAITHER

BURGESS SIDNEY GAITHER, a distinguished lawyer and public man, was born in Iredell County on the 16th day of March, 1807.

The Gaithers were early settlers of this country. In 1621 there was a John Gater at Jamestown, Virginia, to whom inducements were offered to join the Calvert colonists in settling Maryland, but whether he joined them or not the records do not disclose. However, the records of Anne Arundel County, Maryland, show a warrant for land issued in 1662 by Lord Baltimore to John Gaither, probably his son. He married Ruth Morley, and died in 1703, leaving eight children, one of whom, Benjamin Gaither, born 1681, married, in 1709, Sarah Burgess, by whom he had thirteen children.

The fourth son of this marriage, Edward Gaither, born 1714, married Eleanor Whittle, and died in 1787, leaving five children, of whom Burgess Gaither was the second son. Burgess Gaither, born in 1757, married Milly Martin of Virginia, and moved to North Carolina, locating in that part of Rowan which subsequently became Iredell County; and he represented Iredell County in the House of Commons almost continuously from 1792 to 1801, while Basil Gaither represented the mother county, Rowan, in one House or the other continuously from 1790 to 1802, their terms of service being almost coincident. That the Gaithers were influ-

ential members of their community and were highly esteemed is plainly evident from their long and continuous service as representatives of the people in the General Assembly.

Burgess Gaither died in 1819, leaving ten children, the eighth son of whom is the subject of this sketch.

Burgess Sidney Gaither was educated at Hull's High School at Bethany Church, Iredell County, and at the University of Georgia, along with E. J. Erwin and his brother Alphonzo, and he was a college mate with Alexander Stephens and Robert Toombs. On reaching manhood he studied law with his elder brother, Alfred M. Gaither, then a leading lawyer at Morganton, and also under Judge D. F. Caldwell, and was admitted to the bar in 1829. On the 13th of July, 1830, he married Miss Elizabeth Sharpe Erwin, a daughter of Colonel William W. Erwin of Burke County, and being thus connected with this influential family, he continued to make his home at Morganton, where he soon established himself in the confidence of the community. He was appointed by Judge Willie P. Mangum clerk of Burke Superior Court, and held that office under that appointment until 1832, when the law providing for the election of clerks by the popular vote was passed, and he was elected to that position by a large majority. When the constitutional convention was about to meet in 1835, he was elected along with Hon. S. P. Carson as delegate to represent the county of Burke in that body. Although then but twenty-eight years of age, and the convention contained among its members so many distinguished and experienced statesmen, Mr. Gaither did not take an inconspicuous part in its proceedings. He had the courage of his convictions, and he expressed his views moderately, considerately, but fully. On the great question of religious tests for office he said that "he would himself be in favor of the most liberal amendment to that article of the constitution, for he considered it a blot on that instrument; but, as he was convinced, it was the desire of a considerable portion of his constituents to retain the article, and that if any great alteration were made in it, they would not accept of the amended constitution. Rather than run the risk of the loss of that, he would accept a

proposed amendment as reported by the Committee of the Whole. He was sorry that so strong a prejudice should prevail in his section of the country against the Roman Catholic religion, but he had no doubt when the people came to read the able exposition of the doctrines of that religion which had been given to this convention by the gentleman from Craven (Mr. Gaston), these prejudices would entirely vanish and the amended constitution would be well received."

Mr. Gaither was the chairman of the committee to whom was referred the districting of the State for electing members of the Senate and of the House, and he took a prominent part in the proceedings of that body. He voted for the proposed amendments to the constitution, and Burke County cast but one vote against their adoption, and gave 1359 in favor of their ratification. During General Jackson's first administration there was a divergence among the public men of that period, and in December, 1831, the followers of Henry Clay, calling themselves National Republicans, held a convention in Baltimore and nominated him for the Presidency, and in December, 1839, a similar convention met at Harrisburg, called the Democratic Whig convention, at which Mr. Clay was defeated for the nomination, the nominees being General Harrison and Governor Tyler. General Harrison was elected, but died within a month after his inauguration, and was succeeded by Governor Tyler. Colonel Gaither was a delegate to that convention, and was an earnest and enthusiastic supporter of Henry Clay, and was greatly disappointed at the action of the convention, but entered with zeal into the Log Cabin campaign, when the State of North Carolina for the first time broke away from the Jackson Democracy and gave its votes to the Whig candidate, continuing after that as a Whig State until 1852. In 1841 President Tyler, in recognition of Colonel Gaither's fine services, appointed him superintendent of the mint at Charlotte, which was established in 1836 with John H. Wheeler as the superintendent, who was succeeded by Colonel Gaither.

President Tyler, however, soon broke with the Whig Party on the question of establishing a national bank, and later, Calhoun

being the Secretary of State, espoused the cause of Texas, and initiated those movements that led to the Mexican War. The President's course in this matter was so strongly disapproved of by the Whigs that they refused to give him countenance, and many of those who held office under his administration resigned, among them Colonel Gaither.

In 1840 Colonel Gaither was elected to the State Senate from his district, and again in 1844. At this last session the Senate was equally divided between the Whigs and the Democrats, and after a week of fruitless balloting for a presiding officer, the body organized by the election of Colonel Gaither as president of the Senate. In this position he displayed that good judgment that had marked his course in life, and his rulings gave entire satisfaction to all the members of that body. Indeed, so conciliatory was his course and so highly esteemed was he among the members not only of the Senate, but of the House, that at the same session he was elected solicitor for the Seventh Judicial District, a position he filled so ably that in 1848 he was re-elected for a second term of four years. He was regarded as one of the most powerful and successful prosecuting officers that the State has ever produced, taking rank with the celebrated Joseph Wilson of the preceding generation, who was known as the "Great Solicitor." While efficiently discharging the duties of this office, Colonel Gaither also commanded a leading civil practice that was very lucrative, and his business yielded him a large income. In 1843 Thomas L. Clingman, who had entered public life as a Whig, was elected a representative in Congress from the Buncombe district; and he was still in Congress in 1851, when the agitation of the slavery question in connection with the territory acquired in the Mexican War led to his espousal of the ultra Southern side of that question, which many Whigs did not approve of. Still proclaiming himself a Whig, General Clingman was again a candidate in 1851, when the Whigs in opposition selected Colonel Gaither as his opponent; but though Colonel Gaither exhibited great strength and readiness as a debater, proving himself quite the equal of General Clingman in joint debate, yet the Democrats held the balance of power, and,

throwing their vote solidly for General Clingman, elected him. Two years later Colonel Gaither again was the antagonist of General Clingman, but with the same result, General Clingman being again elected, and more firmly establishing his hold upon the district, until at length, in 1856, he finally separated himself entirely from the Whig Party and avowed himself a Democrat. Colonel Gaither continued to be one of the most influential of the Whig leaders in the Western part of the State, and in 1860 strongly advocated the election of Bell and Everett, and earnestly supported the cause of the Constitutional Union Party.

But as earnest and determined as he had been in his zealous adherence to Union principles, upon the proclamation of President Lincoln in April, 1861, he became equally pronounced as a Southern man. He was elected to the Senate from his district in 1861, and at the first election for members of the Confederate States Congress he was elected to that body, being commissioned in February, 1862, and two years later was re-elected to succeed himself. He was a warm supporter of the administration of Confederate affairs, and toward the end of the war no member of Congress from North Carolina was relied upon more confidently as an ardent, able and fearless defender of the cause of the South. Indeed, he was distinguished for his patriotic bearing during all that period of conflict, with its attendant embarrassment, and notwithstanding the marked divergence of views among some of the old Whig leaders with whom he had been associated in former years, he sustained unwaveringly the war measures of the Confederate administration, and gave the whole weight of his personal influence for the achievement of Southern success.

When hostilities had ceased, the condition of affairs was most deplorable, but Colonel Gaither displayed unsurpassed fortitude, and with a resolute spirit resumed his practice at Morganton, and continued to lead an active, busy life, prudently advising the people and vigorously co-operating in behalf of good government.

In the convention of 1835, of which he lived to be the last surviving member, he had voted to deprive free negroes of the right of suffrage, a proposition on which the convention was nearly

equally divided, it being carried by only five majority in a vote aggregating 127; and now he saw the constitution of the State rudely displaced by the ballots of nearly 100,000 ignorant negroes, who were installed in power over their former masters by the ruthless exercise of arbitrary power by the despotic Federal Congress. He saw judges on the bench obeying the directions of major-generals and ignoring the laws passed by the State legislature, and he witnessed the whole system of law and of practice with which he had been familiar since boyhood supplanted by a new code and a new system of practice both novel and difficult to comprehend. But he turned with resolution from the past with its sorrows and misfortunes and wrecked hopes and applied himself with a brave heart to the duties of this strange time.

Notwithstanding his advanced age, he remained the leader of the bar in his district until within a few years of his death, and he was counsel and took a leading part in most of the important cases in the courts where he practiced. His admirable wife died in 1859, leaving three children, only one of whom survives, a daughter, who became the wife of Dr. R. T. Pearson; and in 1871 Colonel Gaither married Miss Sarah F. Corpening, by whom he had one child, a son, Burgess Sidney Gaither, who, following in the footsteps of his father, has attained an enviable position among the lawyers of his section of the State.

On the 23d of February, 1892, having nearly completed his eighty-fifth year, Colonel Gaither passed away after an eventful career, reaping the rich rewards of a life of virtue, distinguished for his abilities and venerated for his noble characteristics.

S. A. Ashe.





WILLIAM GASTON

DISTINGUISHED alike as a great statesman and jurist, William Gaston was an ornament of the State in his generation, while his talents and genius were recognized by cultivated people in other parts of the country.

He was born in the town of New-Bern, North Carolina, September 19, 1778. He was of French Huguenot descent, but his ancestors having refuged from France to Ireland, his father, Dr. Alexander Gaston, was born in the northern part of that island. He was a man of ability, and having graduated from the Edinburgh Medical College, became a surgeon in the English army. He resigned, however, while still a young man and moved to New-Bern before the Revolution. His wife was an English lady, Margaret Sharpe by name. He was an ardent Whig during the struggle with Great Britain, and upon the capture of New-Bern by the Tories, in 1781, he was shot down by them while he was attempting to escape in a boat on the river. As a captain of volunteers, as well as a surgeon in the Whig forces, he was obnoxious to the Tories. It is said that he was shot over the heads of his young wife and two little children, of whom William was then three years of age. The other, a girl, afterward became the wife of Chief Justice John Louis Taylor. When in the Congress of the United States, during the war with England, it was intimated by an opponent that Judge Gaston was

wanting in patriotism, he spurned the insinuation, and alluding to the tragic death of his father in his presence, he said with impressive effect, that he "was baptized an American in the blood of a murdered father."

The mother of William Gaston, like the mothers of most great men, was a woman of superior mind and considerable energy. She was a devout Roman Catholic in faith, and her piety made such an impression on her son that he ever adhered to her church, though the prejudice against that church in this State was great throughout his life. Two brothers who came with her to this country having died, after the death of her husband she had no relatives in America except her two children, an elder brother of William having died before his father. Little was left by her husband, but by prudence and energy she managed to support and educate her children. At the age of thirteen, William was sent to the Roman Catholic college at Georgetown, District of Columbia, where such was his diligence and success that he was pronounced by one of the professors "the best scholar and most exemplary youth in the college." He was the first student to enter there, and to-day the Main Hall is named in his honor. Too close application caused a failure of health, and he was compelled after about eighteen months to return home. Resuming his studies at the Academy of New-Bern, he made such progress that in the fall of 1794 he was able to enter the junior class at Princeton College, where he graduated two years after with the highest honors of his class. He was wont to say in after years that the proudest moment of his life was when he announced this to his mother.

Soon after graduation he began the study of law under the direction of Francis Xavier Martin, then a practicing lawyer of ability, the author of Martin's North Carolina Reports and of a history of the State, and subsequently a judge of the United States District Court of Louisiana. He came to the bar at the age of twenty, in 1798. The same year John Louis Taylor, who had married his sister, and was some nine years his senior, was elevated to the bench of the Superior Court, and turned over his business to him. This would have proved a disadvantage to one

of less ability and industry than young Gaston, but Judge Taylor's clients had no cause to regret their change of lawyer, and very soon new clients came to his successor, so that he commanded while still a very young man a leading practice in Craven and the adjoining counties.

The year after he became of age he was elected senator of his native county. In 1808 he was elected to the House of Commons from the borough of New-Bern, and was made speaker of the body. He represented New-Bern and again was the speaker of the House in 1809. In 1812, 1818 and 1819 he represented his county in the State Senate; and in 1824, 1827, 1828 and 1831 he again represented New-Bern in the House. In 1808 he was elected a Presidential elector for his district, the electors then being chosen by districts. In 1813 and 1815 he was elected a member of the lower House of the National Congress, in which he was deemed a peer of such men as Lowndes, Randolph, Clay, Calhoun and Webster. Mr. Webster, who was his junior in years, pronounced him the first man in the War Congress of 1813, and was so struck with the logical ability of one of Mr. Gaston's speeches that he insisted upon its publication, and himself took the pen and assisted in its reproduction. His speeches on the Loan Bill and Previous Question are rare specimens of parliamentary logic and eloquence. In 1817 he voluntarily retired from Congress and devoted his life to the care of his family, the duties of his profession and service to the State. He served in the General Assembly, the constitutional convention of 1835 and on the Supreme Court Bench, and made occasional public addresses.

In the legislature he was ever a leader in what could advance the best interests of the State and make for the happiness of the citizen. In 1808 he drew the "Act regulating the descent of Inheritance." In 1818 he was most influential in the establishment of the Supreme Court nearly as it now exists in place of the old Court of Conference; in 1828 his energies and eloquence were successfully exerted to prevent the passage of a measure in relation to the banks, which would have been productive of great evil throughout the State. At his last appearance in the legislature,

in 1831, he made a splendid effort in favor of rebuilding the Capitol, which had been destroyed by fire the preceding summer. His tact as a parliamentarian was exhibited at that session. An artist of standing had proposed to repair Canova's statue of Washington, which was mutilated by the fire which destroyed the Capitol. Mr. Gaston, as chairman of a committee on the subject, made an admirable report in its favor. There was some opposition to it on the score of economy, and one old member arose and said he had "as much love for General Washington as anybody, but the people did not want to spend money in repairing his statue, and that it was enough that he was in their hearts." As he took his seat, Mr. Gaston arose and said with solemn emphasis, "Out of the abundance of the heart, the mouth speaketh." Nothing more was needed, and the bill passed without a call of ayes and nays. Unfortunately, however, the remains of the statue were found too liable to crumble from the effect of the great heat to which it had been subjected, and it was found impracticable to repair it.

During all these years Mr. Gaston's practice at the bar was great and extensive. He was employed in nearly all the important cases in the highest courts of the State and in the Federal courts of the District of North Carolina. It is said that he seldom lost a case on the circuit, and that he made such an impression on Chief Justice Marshall, who presided in the Circuit Court at Raleigh, by his display of legal ability and learning, that the chief justice, who was then growing old and feeble, said he would resign his office if Mr. Gaston would be appointed in his place. Differing with most lawyers, he preferred the first to the last speech before a jury, believing that by lodging his view of the case well in the minds of the jurors his adversary could not dislodge it. Such was his success at the bar, that it is said that one day, after he had just gained a case which the opposing lawyers, men of ability, expected to win, one of them said to the other, "Why is it that Gaston beats us every time?" The fact was due to his thorough preparation, together with his superior ability; but perhaps, also, he would refuse to try a case which was quite

desperate, compelling his client rather to compromise or submit to a judgment. He would not impair his influence with courts and juries by trying a "bald" case.

Upon the death of Chief Justice Henderson in 1833, the eyes of the people of the State turned to Mr. Gaston, without regard to party, and by the legislature of that year he was elected to a seat on the Supreme Bench on the first ballot, and by a handsome majority. Thomas Ruffin, whose commission was older than that of the other associate (the court then and afterward until 1868 consisting of three members), as well as Judge Gaston's, was made chief justice by the court then existing, and from that time until Gaston's death, nine years later, he was the associate and friend of that great jurist. The other associate was Joseph J. Daniel, who had been elected in 1832. The three—Ruffin, Gaston and Daniel—constituted a court which would have done credit to any State or nation. They were all strong and able men, as well as thorough lawyers of undoubted integrity. Their decisions, which were with rare exceptions unanimous, commanded the respect of the courts of all the other States, and were sometimes quoted with approval in Westminster Hall. Gaston's opinions, which are to be found in our reports from the fifteenth to the thirty-eighth volume, for learning, elegance of diction and clearness will compare favorably with those of any other judge in the land. While all of his opinions deserve this commendation, reference may be made to the opinion written by him in *State v. Will* (18 North Carolina, 121), in which it was decided that where a slave, under circumstances calculated to excite his fear of death from an assailant, an overseer, in self-defense, killed the overseer, the offense was manslaughter and not murder; and to his dissenting opinion in *State v. Miller*, in the same volume, as models of elegant and logical reasoning. The former case is memorable in the history of the bar in North Carolina, for bringing prominently forward as a very able lawyer Hon. Bartholomew F. Moore, afterward for nearly a generation at the head of his profession in the State, whose printed brief in behalf of the prisoner in that case excited the admiration of the readers of our Law Reports every-

where. The opinion written by Judge Gaston was in the line of that brief. Some competent judges assign even higher rank to his dissenting opinion in Miller's case. During the years of his service on the bench, much of the leisure moments he permitted himself were occupied by members of the bar and other admirers from different parts of the State, who sought his society on account of his social gifts. His conversational powers were rare, he always contributing valuable information and edifying reminiscence enlivened by wit and humor. That he possessed imagination and some talent for poetry is proved by his authorship of North Carolina's patriotic anthem, "The Old North State," which grows more popular in every successive year.

Before the convention of 1835, in which so many of our great men of that day were members, the constitution had a provision that no man should hold office in this State who denied the truth of the Protestant religion. Judge Gaston's services in the convention were desired by the people of his county, and probably his consent to serve them was based principally on his wish to see to the change of that provision, which reflected on his church; though he was interested in the other questions which caused the convention to be called. In that convention he was *primus inter pares*, though among his compeers were the then governor, David L. Swain; his associate on the Supreme bench, Joseph J. Daniel, and others scarcely less able and distinguished. He spoke with power in all the principal debates; but his speech on the religious qualification for office made the greatest impression. It has probably never been surpassed for eloquence and effect by any speech delivered in a deliberative assembly in the State. Doubtless it was owing to his personal influence and that of this great speech that the provision was changed, and the words "Christian religion" substituted for "Protestant religion." Belief in the Christian religion from that time until 1868 was a qualification for office in this State. In the constitution of 1868 an amendment provided "belief in a Supreme Being" only as a religious qualification. Believing after he went on the Supreme bench that he could best serve his State and her people in that honorable station, he refused

a request of the leaders of the Whig Party, then in the ascendancy in the legislature, that he would permit them to elect him to fill a vacancy in the United States Senate.

In 1827 a custom was adopted at the University to have an "address before the two literary societies" delivered at each annual commencement. Judge A. D. Murphey delivered the first one and Mr. Gaston that of the commencement of 1832. His reputation as an orator and statesman attracted many from a distance to the commencement, and Person Hall was crowded to the utmost by an eager audience, while many stood about the door and windows to catch some of his words of wisdom. The subject of the address was the Duty of Young Men, who were soon to become leading citizens, to themselves and to the State, and it is safe to say that many who heard the address and many who have read it, as it went through four or five editions to meet the demand for it from time to time, were deeply impressed. No other ever delivered at the University has been so much admired or so often referred to. It is often alleged that the most successful students at school or in college are not the successful men in after life. He took occasion to refute that error in this address, in the following words: "True it is that it sometimes, though very rarely, happens, that those who have been idle during their academical course have by extraordinary exertions retrieved their early neglect, and in the end outstripped others who started in the race far ahead. These are the exceptions. They furnish cause to humble arrogance, check presumption, banish despair and encourage reformation. But as surely as a virtuous life usually precedes a happy death, so surely it will be found that within the college precincts is laid the groundwork of that pre-eminence afterward acquired in the strife of men, and that college distinctions are not only good testimony of the fidelity with which college duties have been performed, but the best presages and pledges of excellence on a more extended and elevated field of action." The history of the college graduates of this and other States fully establishes the results of the observation and experience of this wise man.

Three years later, in September, 1835, Judge Gaston delivered a similar address at Princeton before the societies of the College of New Jersey, which attracted wide commendation. The chief justice of the District of Columbia and the governor of Ohio quoted largely from it, the former in an address to the grand jury and the latter in his inaugural address.

Of Judge Gaston it may be truly said that everything he did or said during his useful life, his example and precepts, tended to elevate the standard of virtue and citizenship. He did probably more than any other man of his generation to make North Carolina respected and beloved by her citizens and honored by other citizens of the Union. His patriotic love of the State was such that when it was suggested that he should go to some wider field of action, where his talents would ensure him greater fame and larger income, his reply was: "Providence has placed me here, and it is my duty as well as pleasure to do what I can for my native State." His confidence in her future was shown by a letter to a member of his family, in which he said: "The resources of our State lie buried and unknown; when developed, as they must be ere long, she will be raised to a consequence not generally anticipated."

He died as he had lived, and it can be truly said he died in harness. On the 23d of January, 1844, he occupied his seat on the bench and listened to the argument of a case until near the hour of adjournment, when from a sudden attack he became faint, and was taken to his room (on the corner of the lot now owned by C. M. Busbee, Esq.) and a physician summoned. He revived during the evening and entertained friends who called to see him with amusing anecdotes. He then told of a party he had attended in Washington, when he was in Congress, and that one of the guests, a public man, avowed himself a free-thinker in religion. From that day, he said, he always looked upon that man with disgust. "A belief," he said, "in an all-ruling Divinity, who shapes our ends, whose eye is upon us, and who will reward us according to our deeds, is necessary. We must believe and feel that there is a God All-Wise and Almighty." He rose to give emphasis to these

words; there came a rush of blood to his brain and he fell back and expired. He died in the noble avowal of his Christian faith.

He was an active friend of education as well as of religion. For forty years he was a faithful trustee of the State University, and took an active interest in her welfare. She was glad to confer upon him the degree of LL.D., and Princeton, his alma mater, did the same.

Judge Gaston was married three times. His first wife was a daughter of John Hay, a lawyer of high standing at Fayetteville. They were married in 1803, and she died within a year without leaving a child. In 1805 he married Miss McClure, who died in 1813, leaving several children, one of whom was the first wife of Hon. Matthias E. Manly, afterward a judge of the Superior and Supreme Courts. In 1816 he married Miss Worthington of Georgetown, District of Columbia.

He lies buried in the cemetery of his native place, and his resting place is marked by a massive marble monument on which the only inscription is "Gaston."

Richard H. Battle.





CALVIN GRAVES

IT has fallen to the lot of but few men in North Carolina to be actors in a scene at once so important and so dramatic as that which put an end to the political career of Calvin Graves; but by his valuable public service, high patriotism and stern virtue he won for himself an enduring monument in the temple of fame. His father, Azariah Graves, was a member of a large and respectable family of that name that had contributed strong public men to that section of North Carolina. John Graves was a member of the Assembly from 1788 to 1793, and Azariah Graves himself represented Caswell County in the Senate from 1805 to 1811, and other members of the family were frequently representatives of the people. The mother of the subject of this sketch was a daughter of Colonel John Williams, who in 1775 was appointed by the Provincial Congress lieutenant-colonel of the Minute Men of the Hillsboro district, and subsequently distinguished himself by the active part he bore in the Revolutionary War. On the termination of hostilities, Colonel Williams located in Caswell County and practiced his profession, he being the first lawyer to reside in that county. Judge John Williams, his contemporary, resided in Granville County.

The subject of this sketch was born at his father's home in Caswell County in January, 1804; and his father being a pros-

perous farmer, the son received his primary education under the direction of Rev. William Bingham, near Hillsboro, whose academy at that day had a reputation not inferior to that of any school at the South. Having completed his course under Mr. Bingham, when nineteen years of age he entered the University, where, however, he remained but one year, when he began the study of the law. The elder Judge Settle had married his sister, and he studied with him for a year, and then entered the law school of Chief Justice Henderson of Granville County, where he was associated with other students who subsequently were among the most distinguished jurists adorning the bench. Admitted to the bar in 1827, at the age of twenty-three, having the advantage of strong connections, and himself from boyhood deservedly enjoying the respect and esteem of his teachers and elders, he was fortunately exempt from the delay that usually attends the efforts of young practitioners to establish themselves in a lucrative business. He was distinguished at the bar not merely for his learning and ability, for the cogency of his argument and clearness of his statement, but by his high tone and personal integrity, that speedily won for him the personal regard and confidence of all who were brought within the sphere of his action.

When delegates were to be elected to the constitutional convention of 1835, the people of Caswell County naturally turned to Mr. Graves, then in the full maturity of his powers, to represent them in that important body. In the convention he voted against the change in the religious test for office, but voted for biennial sessions and for the election of the governor for a term of two years by the people; and he was subsequently active in urging the adoption of the amendments recommended by the convention, which received nearly three votes to one in opposition in Caswell County. His family had been always of Democratic affiliations, and warm supporters of Jefferson and of Madison; and upon the formation of the Whig Party in North Carolina by the union of the National Republicans, who followed Clay, and the States Rights men, who antagonized Jackson and his Force Bill against South Carolina, Mr. Graves remained an adherent

of the administration, and in 1840 was elected a member of the House of Commons from Caswell; and during the session occupied a prominent position as a discreet and judicious leader of his party in that body, which had been under the control of the Whigs at the previous session, and was likewise under their control at the session of 1840. Re-elected to the House in 1842, and his party having the majority in that body, he was honored by being chosen speaker; but at the next session, the Whigs being in the ascendancy, Edward Stanly succeeded him in the speaker's chair; but even at that session he was elected a trustee of the University, some of his competitors being distinguished members of the Whig Party. In 1846 he was elected to the State Senate, and at that session made a speech of unusual merit against the Whig measure to redistrict the State at that unusual period of the decade. This great effort was by many regarded as not admitting of a successful reply, and the Whig leaders made no reply to it. The Whig speaker of the Senate, Mr. Andrew Joyner, fell ill during the session, and the compliment was paid Mr. Graves of unanimously electing him speaker *pro tem*. At the next session both Houses were evenly balanced, and by arrangement Judge Gilliam was elected speaker of the House and Mr. Graves speaker of the Senate. This was one of the most important sessions of the General Assembly. The Raleigh and Gaston Road, which had fallen into the hands of the State, was in a hopelessly insolvent condition. There were urgent appeals made by Miss Dix for the erection of an insane asylum for the care of the unfortunate insane who were confined in the jails throughout the State. The people were far from prosperous, especially because of the entire failure of the crops the previous year, and the western people had no facilities of trade or transportation. At an internal improvement convention some dozen years earlier a State policy had been recommended of east and west lines of railways, but now South Carolina and Virginia capitalists proposed to cut the State in two by a railroad from Danville to Charlotte, and this measure had the warm support of Governor Morehead and the representatives of the counties through which the proposed road would pass.

The eastern members opposed that project, while Governor Graham and the Board of Internal Improvements and the warm friends of internal improvements proposed a feeder to the Raleigh and Gaston Road, running from Raleigh to Salisbury, to be eventually built to Charlotte. None of these proposed measures had enough strength to overcome the opposition, and great dissatisfaction and animosity prevailed. Speaker Graves had warmly thrown his influence along with Mr. Gilmer, Mr. Dobbin and others for the construction of the insane asylum, but he was embarrassed in regard to State action on internal improvements. At length a bill introduced in the Senate by William S. Ashe, the Democratic senator from New Hanover, providing for the construction of an east and west line from Goldsboro through Raleigh on to Charlotte, and appropriating \$2,000,000 of State aid, was at the crisis of a very dramatic scene in the House of Commons taken from the files of the Senate and after a severe struggle passed the House. To secure the support of the friends of Fayetteville, who had advocated a different line, it was agreed by the promoters of this measure to give State aid to a plank road from Fayetteville to Salem; and that bill passed the House. In the Senate, the Railroad Bill being taken up, had not strength enough to pass, until the Plank Road Bill being passed, Alexander Murchison, the senator from Cumberland, conformably to the agreement, voted for it, and the vote in the Senate was a tie. The Democrats generally, and particularly those of Caswell County, were opposed to State aid to internal improvements, holding that the legislature had no right to use public funds in that way; and besides, the Danville and Charlotte Road, which this bill superseded, offered to Caswell County railroad facilities which this measure did not give, and without any State aid being asked. Speaker Graves thought that the General Assembly had the power to make the appropriation, but he realized that his entire county was strongly opposed to this bill, with its large appropriations, and offering no transportation facilities to his county, and by supplanting the Danville Bill, indeed, depriving his people of any hope of railroad communication. Speaker Graves had abstained from expressing

himself at all on the measure, and no one knew what would be his action if the bill depended on his casting vote. With breathless anxiety the great crowd that was massed in the Senate chamber awaited the result when the vote was announced—yeas 24, nays 24; and the clerk handed the record to the speaker. Mr. Graves arose from his chair and in a clear voice announced the result, and then he added, "The speaker votes in the affirmative; the bill has passed the Senate." The plaudits were deafening, and the session of the Senate was broken up without adjourning. Tumultuous joy rose from one side and sullen murmurs from the other. The speaker realized his duty as a citizen of the State, and had the moral courage to perform it regardless of personal consequences. He knew that his constituents would strongly disapprove of his action, but he resigned all personal ambitions to promote the welfare of the State. He never afterward regained his lost popularity, and never was elected by Caswell County to any position of honor or trust. As has been said, he committed political suicide in the interest of the people of North Carolina.

He subsequently took an active part in raising the amount of stock required by the act to be subscribed by individuals, and the requisite amount not having been subscribed, he, with Governor Morehead, Judge Saunders and Mr. Gilmer, was requested by a convention of the friends of the road to canvass the State for subscriptions, which they did, and after much labor their efforts were crowned with success, and the act became operative, and the road was built, resulting in benefits and advantages to the people even far beyond the most sanguine expectations of those who secured its passage. At the time we write, the State's interest, which cost less than \$3,000,000, is worth more than \$5,000,000; while the interests of the State have been unified and consolidated with most happy results. The sacrifice made by Speaker Graves on that occasion has properly endeared him to North Carolinians, and a movement is now on foot to erect a monument to his memory.

In 1849 Governor Manly appointed Mr. Graves a member of the Board of Internal Improvements, and his successor, Governor

Reid, renewed the appointment ; and the only public service thereafter rendered by Speaker Graves was as a member of that board.

Mr. Graves married Elizabeth, a daughter of John C. Lea, early in life, a happy union that was blessed by an interesting household.

In 1837 Mr. Graves united himself with the Baptist Church, and throughout his life exerted an active influence in behalf of the good works of that denomination of Christians.

Mr. Graves died February 11, 1877, aged seventy-three years, one month and eight days. He left one daughter and two sons. Of the sons, John Williams Graves moved West and died ; George Graves married, and Mr. John E. Tucker married one of his daughters.

S. A. Ashe.



**THE NEW YORK
PUBLIC LIBRARY**
ASTOR, LENOX AND
TILDEN FOUNDATIONS
R. 1. 1. 1.

Military Academy at West Point, he returned home and found his proper place among his friends and kindred of Warren County.

Interested in public affairs, like the other gentlemen of his community, he represented Warren County in the legislature of 1826; but shortly thereafter he married the daughter of Hon. Jesse Wharton of Nashville, Tennessee, who had represented Tennessee both in the House and Senate chamber of Congress, and thereupon he removed to Florida, then a Territory, and engaged in planting, at the same time representing his county in the Territorial legislature.

At the end of five years of this happy life, his young and lovely wife died; and placing his son, Wharton J. Green, then four years of age, with a maternal uncle, he left his home to give the assistance of his fine manhood to the young Republic of Texas, which had then just begun her struggle for independence from the dominion of Mexico. Never had such a galaxy of adventurous, daring spirits and brilliant, brainy, cultured men pressed forward on an enterprise of such peril and hardship from lofty motives of aiding fellow-men in an arduous and unequal struggle. They poured into Texas from all sections, but notably from the Southern States, and among them all there was none superior in matchless chivalry and the attributes of true knighthood to this Warren County gentleman. The common impulse that actuated them all was to free the new Republic from the Mexican yoke, and to erect a free State similar to those of the American Union.

Arriving in 1836, Thomas Jefferson Green was commissioned brigadier-general and directed to return to the States and raise a brigade. Undertaking this work, he was successful in his enlistments, but his expenses well-nigh absorbed his personal fortune. In the meantime the decisive battle of San Jacinto had been won against overwhelming odds, and the Mexican generalissimo, Santa Anna, was a prisoner. Fate so ordered that General Green should arrive at Velasco on the identical day that Santa Anna was released and placed on a war vessel to be conveyed to Vera Cruz. General Green, believing this proceeding to be unauthorized,

boarded the vessel and brought him ashore, and in this action he was fully sustained by the government of Texas, and the distinguished prisoner was consigned to his custody for safe keeping. During the period when Santa Anna was under his charge, he was treated with all the consideration of a distinguished guest. The courtesy which a North Carolina gentleman, animated by a chivalrous spirit, showed to his unfortunate prisoner was ill requited when later General Green fell within the power of the Mexican; as if actuated by malice and venom, Santa Anna wreaked vengeance on him, ordered him to be heavily ironed, and sentenced him to work on the public roads. But man proposes without being able to achieve. General Green refused to perform the labor, though threatened with death as the alternative.

After the battle of San Jacinto there was a period of comparative quietude, but later Santa Anna again began to make incursions that were attended by unsurpassed barbaric atrocity. Then, as if by common consent, a counter invasion was resolved upon by the Texans. A force of two or three thousand assembled, but when on the eve of movement the larger part were induced to disband by President Sam Houston, leaving but 700, who were resolved to proceed. They crossed into Mexico, and then the commander, General Summerville, determined to abandon the enterprise, and starting homeward, was accompanied by one-half of his little army. Three hundred gallant fellows, however, refused to follow, and determined to try conclusions with the Mexicans on their own ground. The battle of Mier was fought, in which 261 Texans, after inflicting a loss of some 800 upon the foe, were influenced to surrender by a false claim and a false promise. General Green, the second in command, protested vehemently, and called for volunteers to cut their way through the enemy's lines, but without avail. Disarmed, the little band was being conducted to the castle of Perote when General Green found means to enjoin upon his men to make a break if opportunity should occur. This they did at Salado, and started back for Texas. Subsequently recaptured, Santa Anna ordered that every tenth man of his prisoners should be led out and slaughtered. Among those unfortunates was Gen-

eral Green. When all preliminaries to the command "Fire!" had been arranged, the captain in charge asked General Green if he would make a dying speech. In his answer General Green referred to him as a "paid butcher." The Mexican officer repudiated the profession, and said, "If General Santa Anna requires paid butchers, he will have to find a substitute for me." Finally the prisoners were incarcerated in the dungeon of Perote. Sixteen of the most resolute determined to escape. To do this they had to cut through an eight-foot wall composed of hard volcanic rock with the most crude and indifferent tools. At length it was accomplished, and on the night of July 2, 1843, they escaped, and overcoming almost insurmountable obstacles, eight of them, after incalculable sufferings and many hairbreadth escapes, reached Texas, among them being General Green.

Shortly after his arrival at home, General Green was returned to the Congress of Texas, and during his legislative service introduced a bill making the Rio Grande the boundary line between Texas and Mexico. It was on the basis of this additional claim then set up that President Polk gave those orders which resulted in the Mexican War. The acquisition of the vast territory subsequently acquired by the United States is thus indirectly attributable to General Green's action in the Congress of Texas.

It was about that time when Texas was on the eve of annexation that General Green returned to the United States and was happily married to the widow of John S. Ellery of Boston, a lady of rare worth and many attractions. In 1849, on the discovery of large deposits of gold in California, many adventurous spirits crossed from Texas to that unknown region, and among them was General Green, who, after working for some time in the mines, became a member of the first Senate elected in that State, and then was a prominent candidate for the United States Senate. He projected and laid out the towns of Oro and Vallejo, the latter being for some time the recognized capital of California. There being some Indian outbreaks, he was appointed major-general of the militia, and led an expedition to suppress the savages, and his success was such as to still further enhance his reputation. In the Assembly

he took strong ground against a proposition to pass a law which authorized the absolute separation of husband and wife upon their mutual request, which was a virtual annulment of the sanctity of the marriage relation. There were but few who opposed this proposition, but, like Senator Green, their antagonism to it was so bitter and earnest that after exhausting all devices of parliamentary strategy, they succeeded in postponing the vote, and thereby succeeded in defeating the measure. During the same session he introduced and successfully advocated a bill for the establishment of a State University, an institution which has since become one of the greatest Universities on the continent. Pioneer and soldier, he was also a statesman, and he projected a trans-continental railroad, and submitted, in 1849, an elaborate memorial to Congress on the subject. This was the Southern Pacific, of which he was one of the original directors.

Thus in four States General Green served in a legislative capacity, bringing to the consideration of public affairs an enlightened spirit and a purpose to advance the social condition of his fellow-citizens, while instilling a fervid patriotism.

General Green, also, on his escape from Mexico, published a volume on the Mier campaign, that attests his ability both as a writer and as a military man.

In his declining years he returned to his native county, and made his home on a plantation on Shocco Creek known as "Esmeralda," and there passed his remaining days as a planter in the midst of old friends, and dispensing an old-fashioned hospitality.

Realizing from the trend of events that a sectional contest must inevitably ensue between the North and the South, although warmly attached to "the Union of the Constitution," he became a Secessionist, and believed that time only made the North a stronger antagonist when the bitter crisis should arise. On the breaking out of the war, his spirit would have led him to the tented field, but he was debarred by a chronic disease, and eventually succumbed to its inroads on his constitution; and he passed away on the 12th of December, 1863.

Mr. Tasker Polk has drawn a fine delineation of this famous North Carolinian :

“Among all her illustrious sons of the past, there is not one at the shrine of whose memory Warren County bows with greater love and reverence than that of General Thomas J. Green. He was generous to a fault, noble and grand, fiery and impulsive; heard the Texan cry for freedom, left a home of luxury, sought the field where blood like water flowed, unsheathed his sword in defense of a stranger’s land, nor sheathed it till that land was freed. The cry of the oppressed reached his ears and was answered by his unselfish heart—that heart gave its first beat of life ‘neath Warren’s sky. Bravely and gallantly he fought; his blood stained the plains and broad prairies of Texas; the cause for which he fought triumphed; the ‘Lone Star State’ was saved from Mexican persecution, and his chivalric nature was satisfied. Years passed, but the memory of old Warren still remained fresh in his mind. He returned to spend the remainder of his illustrious life among his people; and many yet there are who remember with pleasure how ‘Esmeralda’s’ door, whether touched by the hands of rich or poor, ever swung upon the hinges of hospitality.”

S. A. Ashe.



THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX AND
TILDEN FOUNDATION
R
L

alogy, not to say historic tradition, in lineal descent from Sir John Hawkins, one of the immortal quartet of mariners who were the conservators of English liberty, civil, religious and political, at the most critical juncture in English history, the other three being Howard of Effingham, Drake and Frobisher. Through the joint efforts of these four, Philip's grand Armada was forced to renounce its proud assumption of "the invincible." Surely, the world should look with lenient eye on the foibles of such as these, even if Sir John and his cousin, Sir Francis, did, with her gracious Majesty's consent and approval, run a few cargoes of African savages across the ocean and start the business which Massachusetts and the Providence Plantations followed so systematically and with such great profit, eventually selling their own slaves to other plantations whose climate was more in accord with their native and normal instincts.

Colonel Green is also of the same strain as Nathaniel Macon, who was his great-uncle, and for whom he entertained the highest veneration, and whose political virtues he sought to emulate.

Through his mother, who was Miss Sarah Angelina Wharton of Nashville, Tennessee, Colonel Green is a grandson of Hon. Jesse Wharton, formerly United States senator from Tennessee, who, like his paternal grandfather, Solomon Green of Warren County, enjoyed in a superlative degree a reputation for exceptional justness and uprightness of character, and was of superior ability.

In youth Colonel Green was strong and robust, and richly endowed intellectually; had an insatiable appetite for history, memoirs, biography and travels, while he was also fond of poetry, fiction and the drama. Out of doors he was a practiced horseman, and found recreation in hunting, fishing and the field sports which the gentlemen of that day followed with zest and enthusiasm, for his life was largely passed in the woods and along the streams in the midst of nature and distant from the artificial environments of towns and cities. He received a liberal and thorough education at Georgetown College, the University of Virginia and West Point, and all through life his traits and char-

acteristics and personal bearing have been distinctly referable to his training and education. Having studied law at the University of Virginia and the Cumberland University, on his admission to the bar of the United States Supreme Court, in 1855, he was associated with Hon. Robert J. Walker and Mr. Lewis Janin in his professional career. But the ill consequences of a sedentary life eventually compelled him to relinquish his professional work, and taking the saddle, he rode 1500 miles throughout Texas, looking after landed interests; and the exercise and experience re-established his health on a firm basis. When the war broke out, he at once joined the Warren Guards, a company of the Twelfth North Carolina Regiment, taking his place in the ranks as a private, but he was soon promoted to be lieutenant-colonel, commanding the Second North Carolina Battalion, which he was chiefly instrumental in raising. Along with his command he was captured at the surrender of Roanoke Island, the surrender being determined on against his strenuous protests. He was soon exchanged, and at Washington, North Carolina, he was wounded by a shell. His command was ordered to rendezvous at Drury's Bluff, and the battalion became a part of Daniel's Brigade, when Colonel Green became attached to General Daniel's staff, and accompanied him through all the vicissitudes of the war, courageously and intelligently performing every duty, until he was wounded and captured at Gettysburg. As a prisoner, he was first taken to the hospital at Frederick and then to Fort McHenry; thence he was conveyed to Fort Delaware, and finally he suffered a long incarceration on Johnson's Island, in Lake Erie. It was only a few weeks before General Lee evacuated Petersburg that Colonel Green was released from his confinement, and as soon as President Davis heard of his return from Johnson's Island he nominated him to the Senate for appointment as brigadier-general, but in the then critical state of affairs the Senate failed to act upon the nomination, as it was compelled to do in regard to a multitude of other matters pressing for consideration. When peace was restored, Colonel Green returned to his plantation near Warrenton and began anew his favorite pursuit in life, agriculture,

which not only afforded him agreeable occupation, but allowed ample time for that recreation which was so agreeable to him as a man of letters. In his library were the friends of his youth and the companions of his maturer years—Gibbon, Carlyle, Thiers, Prescott, Alison, Motley, Macaulay, Shakespeare, Milton, Byron and the whole host of authors who have contributed to the elevation of human nature through the efforts of their genius. But literature did not alone engage him; he became a student of political economy and of the great questions that pressed upon the people in his day for a correct solution.

In 1868 he was a delegate to the National Democratic Convention, and also Presidential elector, and in 1876 he was again a delegate, and participated in the nomination of Samuel J. Tilden. Somewhat later, he purchased the Tokay Vineyard, near Fayetteville, and removed there, and in 1882 his prominence as a statesman, his high character, fine capacity and merit led to his nomination in the Cape Fear district as a representative in Congress. After a thorough canvass and a close contest, he was successful at the polls by 500 majority, and two years later he was re-elected by a majority of 2600. In 1886, when the Congressional convention was held in his district, he received within a small fraction of two-thirds of the delegates through three hundred and thirty consecutive ballots, the two-thirds rule having been in use at the two previous conventions. The few friends of contesting candidates, however, by combination, defeated the wish of the majority. Under the circumstances, Colonel Green was urged to assent to the abrogation of that two-thirds rule, which would have resulted in his nomination by a large majority, but he preferred not doing so, and virtually declined receiving a nomination unless on the basis of a two-thirds majority, and he retired from Congress rather than sacrifice an iota of self-respect by deviating from party custom.

In Congress, as in all his public utterances, he advocated a strict construction of the Constitution and States Rights. He has ever believed that that doctrine was the cornerstone and foundation of our confederated system of government, and he has clung

to it in its integrity and pristine purity, fully convinced that on its observance depends at last the perpetuity of our beneficent institutions.

Many of his addresses on the floor of the House were on important questions, and were well conceived, and contained evidence that he was thorough master of his subject; while on the hustings, he has been a forcible speaker, presenting his views with clearness and vigor, and always receiving the approbation of his party friends.

By nature generous, liberal in disposition and prompt in action, Colonel Green has always been a popular favorite, and he has a pleasing address that at once places him on easy terms with those among whom he is thrown. Long engaged in agriculture, his interests have been identified with the farming class, and after he purchased the Tokay property in 1879 he joined to farming the business of wine making and grape culture. The Tokay wines have long held a high place among the standard brands of America, and that vineyard is understood to be one of the largest in the United States outside of California. In its care, enlargement and constant cultivation Colonel Green has found ample occupation, but still his active mind and large fund of varied information render it easy for him to elucidate public questions and throw light on matters of interest, and he not infrequently makes some admirable contributions to the public prints. He has, however, never appeared before the public in the rôle of an author, notwithstanding he has written so much for the public eye, but it is understood that he is now engaged in writing an autobiography of a reminiscent character. Taking a great interest in Confederate history, Colonel Green was the first president of the Society of Confederate Soldiers and Sailors in North Carolina, and so continued for many years. And he has even been an enthusiastic admirer of President Davis, there having been a warm personal friendship existing for many years between them. A Southern man, full of the traditions of the past, he in defeat borne himself as a chivalrous knight, with no diminution of Southern pride, but without fruitless repining. In his

vancing years Colonel Green, surrounded by his books, interested in his operations at Tokay, with an intelligent appreciation of passing events, enjoys the afternoon of life with ease and amid comforts, in dignified retirement from the harassing anxieties of ambitious conflicts. In his early youth the adventures of Marion, and Sargent Jasper's heroism, and the life of Andrew Jackson, cut the cord of his own ambition and awoke a response in his nature, and his life has had a keynote in accord with their adventurous careers; and he now dwells with his favorite authors, and remembers that the Latin philosopher has said:

"Inveni portum; spes et fortuna valet,
Sat me lusistis, ludite nunc alios."

Colonel Green is a member of the Masonic order, and his religious affiliations are with the Protestant Episcopal Church, of which he is a communicant.

Colonel Green's varied experience in life leads him to suggest that the young men of America can perhaps with advantage select some worthy exemplar for their imitation, and cling to a well-marked and fixed purpose to attain the goal they have in view. This, he thinks, would tend to aid them in achieving success in life on meritorious lines.

Colonel Green has been twice married; his first wife was Miss Esther S. Ellery of Boston, by whom he had four children, three of whom are now living, one being the accomplished and elegant wife of Mr. Pembroke Jones, another of George B. Elliott of Richmond, the third, Carrie, unmarried; and he married a second time Mrs. Addie B. Davis, the widow of Judge David Davis of Illinois, by whom he has had no children.

S. A. Ashe.

THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX AND
TILDEN FOUNDATIONS
R L

In early life Mr. Gudger was an ardent Democrat, and in 1872 was nominated by a Democratic convention of Madison County to represent that county in the legislature; and though the county was largely Republican, he was elected by a good majority, and served in that capacity for three consecutive terms. While in the legislature he served on many important committees, principal among them being the Committee on the Judiciary and the Committee on Propositions and Grievances, being chairman of the last-named committee during most of his term of office as legislator, and as such had consideration of local option matters within the State.

Being himself an ardent Prohibitionist, Mr. Gudger undertook to accomplish by local option, as far as was possible, prohibition in the State, and with this in view, he incorporated churches, schools, and religious organizations, and under the rights of local option legislation prohibited the sale of whiskey within certain limits of the same, so that Prohibition was practically accomplished in most of the country districts. In 1876 he came within one vote of being nominated by his party for speaker of the House of Representatives.

In the year 1877 he was, through the personal influence of Governor Zebulon Vance, who was a warm personal friend of Mr. Gudger's, elected principal of the Institution for the Deaf, Dumb and Blind at Raleigh, which position he occupied with entire satisfaction for six years, retiring from the same to re-enter the practice of law at Asheville, North Carolina. In 1885 he was elected to the State Senate from the counties of Buncombe and Madison. In 1886 he was admitted to practice before the Supreme Court of the United States at Washington.

In 1888 Mr. Gudger canvassed the entire State for lieutenant-governor, representing Governor Holt, the Democratic nominee for that office, who was confined to his bed almost during the entire campaign with illness, against the Republican nominee, Judge Jeter C. Pritchard, and it was a campaign that will be remembered from one end of the State to the other as one of the most aggressive of its kind ever known in the State. Mr. Pritch-

ard and Mr. Gudger were warm friends, however, and their friendship, dating from early life, continued on through those stormy days, and years later it fell to Mr. Gudger's lot to champion his friend through his contest for re-election to the senatorial chair, and this he did with an ardor that brought victory out of apparent defeat. His great fighting qualities were admirably shown in this race when, just before the meeting of the legislature, there seemed to be growing an opposition to Mr. Pritchard that bode no good. Mr. Gudger threw himself into the thickest of the fight, and went personally into almost every county of the State in the interest of Mr. Pritchard, and gathered the strength needed for Mr. Pritchard's re-election. It was in 1893, and before the above-mentioned race, that Mr. Gudger was appointed judge of the Criminal Court of Madison County, which position he resigned to accept an appointment at the hands of President Cleveland as assistant to the assistant attorney-general in the Department of Justice at Washington.

Mr. Gudger is a member of the Masonic fraternity, the Odd Fellows and the Knights of Pythias. He served for two terms as Grand Master of the Grand Lodge of Masons in the State of North Carolina, and as such rendered many decisions on Masonic jurisprudence which will stand as a monument to his memory. He has always taken a great interest in Sunday-school and church work, and for many years occupied the position of superintendent of the Methodist Sunday-school of Central Church of Asheville, at that time the largest Sunday-school in the Methodist Episcopal Conference.

During the heated discussion on the financial questions in the years 1895 and 1896, Mr. Gudger was an advocate of "sound money," and differing from his party on that question, he resigned his position as assistant to the assistant attorney-general and re-entered the practice of law at Asheville. He had determined to devote the remainder of his life to his profession. However, as he had been prominent in political circles in the State, the newspapers naturally felt that he was a proper subject for criticism. This brought him to the front in his own defence; and in

order that he might the better place his views before the public, he accepted at the hands of the Republican convention the unani- mously tendered position of elector at large for the State on the McKinley ticket. He canvassed the entire State, frequently having joint discussions, and made what is generally conceded to be one of the most brilliant campaigns ever conducted in the State of North Carolina.

On July 28, 1897, he was appointed by President McKinley as United States Consul-General to Panama, Republic of Colombia. During his occupation of this position Mr. Gudger has seen much of South American life, and enough of South American revolu- tions to satisfy any one. It has been his lot to act as both Minister and Consul-General at the place named, and as such he took quite an active part in matters connected with public affairs.

Those most familiar with Mr. Gudger's conduct during the trying days of the revolution at Panama will long remember the scenes through which he passed, as well as the many dangers that attended the same; and likewise how well and satisfactorily he discharged the onerous duties devolving upon him.

It was through his intercession that compromise after compro- mise was made; and that finally the revolution, which had lasted for more than three years, and which had almost completely dev- astated the country, was brought to an end. Mr. Gudger's action in these particulars is of historic interest, and was eminently beneficial to the United States as well as to the people of Panama. It is a remarkable fact that through all these troubles he so conducted the affairs of state as to receive the approval of his superiors in Washington, and in not one single instance did he disappoint their expectations.

Mr. Gudger has always been a firm believer in the Panama route for an interoceanic canal; and in 1899, when the public mind of the United States was directed with almost unanimity to the Nicaraguan route, he still retained faith that sooner or later the United States would take hold of and build a canal on the Isthmus of Panama.

He was asked to deliver an address on the subject of an inter-

oceanic canal before the International Commercial Congress, which assembled in the year 1899 in Philadelphia, and in that address, which was delivered October 24, Mr. Gudger advocated strongly the Panama route, predicting that the United States would finally settle down to that as what he conceived to be not only the best, but really the only practical route for a canal. He dwelt at length on climatic influences, the open harbors, the paralleling of the route by the Panama Railroad, the amount of work which has been accomplished, and the further fact that this was and had been for hundreds of years considered as the natural route from New York to California. His comparisons between the two projected highways were of such a character as to be most convincing to all persons present.

Naturally, when the eyes of the United States were finally turned to the Panama route and the Hay-Herran Treaty had been refused by the Colombian Government, Mr. Gudger felt depressed; but he still had faith that something would occur which would open up the way for the completion of this great work, and he worked toward that end in his reports, articles for the press and in many other ways that came to his hand. He had been a close observer of public sentiment in the Department of Panama, and was not greatly surprised when the revolution occurred and Panama declared herself free and independent of the mother country.

At this critical moment, however, Mr. Gudger was at his home at Asheville, and though a month yet remained of his leave of absence, he reported at once to Washington, where, after receiving personal instructions from the President, he was sent to the Isthmus on the President's private yacht, the U. S. S. *Mayflower*. His arrival on the Isthmus was hailed with delight by the Panama people; he was regarded as their friend, known to be heartily in favor of that great project which they had so much at heart (the building of the Panama Canal), and hundreds met him at the Panama Railroad station to greet his coming, and he was escorted to his consulate by the military band. Mr. Gudger was at this time the central American figure on the Isthmus, and as his

country's representative he conducted the relations of the United States with the new Republic of Panama without a hitch, without one particle of trouble, delivering, receiving and exchanging treaties between his country and Panama and performing the diplomatic relations devolving upon such a position with ease and wisdom.

He was appointed a justice of the Supreme Court of the Canal Zone on February 24, 1905, and his appointment was received with hearty approval not only by Americans on the Isthmus, but alike by Panamanians.

Speaking of the appointment, Governor George Davis remarked that in his long career as a public officer he had never known of an appointment that gave more genuine satisfaction.. President Amador of the Republic of Panama, in congratulating Mr. Gudger, stated that the President could not possibly have appointed a person more acceptable to the people of the Isthmus. Indeed, this was the general consensus of public sentiment.

As justice of the Supreme Court, and until a more perfect organization of the courts is affected, Judge Gudger has acted as circuit judge for the three circuits of the Isthmus. It is extremely difficult for any one who is not familiar with South American jurisprudence to imagine the difficulties which must be encountered in a position like this. While the criminal code is Americanized, the civil code which governs the zone is the same that governed it before the concession to the United States Government. Judge Gudger was aided very greatly in discharging his duties by virtue of the fact that he reads, writes and speaks the Spanish language, and by reason of his thorough knowledge of the customs and ways of the Spanish-speaking people.

The condition of chaos and confusion in which Mr. Gudger found the affairs of the courts presented a difficult task, and required a great deal of thought, determination and energy to put in motion the machinery necessary to place the judiciary on that high plane which it should occupy, and to make it satisfactory to those who were interested in its workings.

Judge Gudger has proved himself eminently fitted for this

task, as he has after three months' service shown himself capable of giving such perfect organization to every branch of the Judicial Department as to inspire the confidence of all intelligent people, and make its machinery move as smoothly as though it had been in operation for years. Perhaps the most remarkable thing connected with his judicial course so far is, that his decisions rendered have been so fair, and everybody has such abiding confidence in his honesty, integrity and good intentions, that not a single appeal has been taken from any decision which he has rendered.

The writer of this article, a North Carolinian, proud of his State, and proud of the great men of his State, has been an observer of public affairs on the Isthmus for more than a year, where he has been connected largely with the public service; and it is with great pride and pleasure that he is able to state that Judge Gudger has the entire confidence of the people, had their confidence while he was Consul-General for eight years, and that his conduct as judge of the Supreme Court has strengthened his hold upon the public mind until now he is regarded as one of the central figures of the Isthmus.

We predict for Mr. Gudger a brilliant career in his new and active sphere of life. He is not only a well-trained lawyer, a profound thinker, an eloquent advocate, a wonderfully strong stump speaker, but with all he possesses that conscientious devotion to duty and that indomitable energy which will make his career in the judiciary as bright as has been his life for the past thirty years.

Well may North Carolinians feel proud, and the people of the entire nation be glad, that such a man belongs to the public service of his country.

Mason E. Mitchell.

THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX AND
TILDEN FOUNDATIONS
R L

He also had the benefit of several excellent private tutors. He left school without going to any university or college because, after the death of his father, he had to assume the responsibility of head of the family. He began the active work of life in the city of London in 1880. His education, training and studies had prepared him to be a civil and mining engineer. He was also given employment in various places in England, principally in Devonshire and Cornwall. He completed and finished up his course of studies while employed in the executive departments of various large corporations in London, under the immediate direction and supervision of Mr. J. J. Truran, who for forty years was the head executive officer of many old and important companies doing business in foreign lands, chiefly mining.

Mr. Hambley was sent to North Carolina in January, 1881, and became the assistant to the principal of the Gold Hill Mines, an English corporation, holding that position for three years. In 1884 he returned to England, and was appointed engineer in the firm of John Taylor & Sons, one of the oldest and most noted engineering firms in Great Britain. He was then chosen by Messrs. John Taylor & Sons a special engineer and sent to India to examine and report upon the Indian Gold Mines in South India, belonging to the Indian Gold Mining Company of Glasgow, a company created under the auspices of the old City of Glasgow Bank. He remained in India two years, and during that time was engaged in the construction of several mining and power plants. Upon his return to England in 1886, he was sent out to examine the gold mines on the west coast of Africa. In the interim, being very fond of travel and adventure, he also visited in a professional way almost every quarter of the globe where mining was carried on, spending some time in South America, Mexico, California, Spain and Norway.

He also visited the Transvaal, and after returning to London, came to North Carolina again in 1887. During the period from this time until 1898, the major part of his energies was directed toward the upbuilding of the resources of North Carolina, and at one time he was manager and consulting engineer to eight

English companies doing business in North Carolina. During this period he was also extensively engaged in farming, and had at Rockwell, Rowan County, one of the most valuable herds of Jersey cattle in America; and during the same period he became permanently identified with the business of gold mining in North Carolina, and was instrumental in organizing several London companies for the active development of North Carolina mines, the most important one at that time being the Sam Christian Hydraulic Company, in Montgomery County, of which he was managing director; and he erected at the Yadkin River a very large pumping plant for the purpose of supplying water to the mines—a 500 horse-power plant—forcing water four miles through a 20-inch main against a head of 420 feet, and pumping 3,000,000 gallons of water every twenty-four hours. He was also consulting engineer to the Appalachian Company and Stanly Freehold. He has been interested for about six years in the development of gold mines in Granville County, North Carolina. He has also had considerable interests in California.

The Whitney Mine at Gold Hill and the Barringer Mine (in Stanly County) he is operating now, and has been for several years, either as president of the Whitney Company or as the active superintendent and manager. He promoted and started the present Salisbury Gas and Electric Light Company. He has been since 1886 a director of the Salisbury Cotton Mills, the largest and most successful of the cotton mills of Salisbury. He has been a director of the Davis and Wiley Bank of Salisbury since 1888, and is now vice-president of this bank. He is also a director of the Yadkin Railroad Company. He has been connected and identified with the banking and brokerage firm of Whitney & Stephenson of Pittsburgh, Pennsylvania, since 1898. The chief enterprises to which he has given his attention for several years past are the development of the Rowan Granite Quarry and of the water-power of the Yadkin River, near the famous Narrows, about thirty miles southeast of Salisbury. These vast enterprises are now being pushed forward under the personal direction of Mr. Hambley, and will soon be in successful operation. Millions

of dollars are being expended upon these plants. It is proposed to develop about 27,000 horse-power at the Narrows of the Yadkin River within the next two years. The company which is behind these enterprises of mining, water-power and granite development is the Whitney Company, with the following officers: George I. Whitney, president; Francis L. Stephenson, treasurer; H. L. W. Hyde, secretary—all of Pittsburgh, Pennsylvania—and Egbert B. C. Hambley of Salisbury, North Carolina, vice-president. The development of these enterprises promises to bring great prosperity to the people of a dozen or more North Carolina counties. The completion of the water-power development at the Narrows will be the greatest step forward in an industrial way that North Carolina has ever witnessed, and is a very costly and stupendous undertaking.

Mr. Hambley has been instrumental in bringing into North Carolina not less than six millions of dollars from other States and foreign countries, to say nothing of what is now being done and is proposed to be done by the Whitney Company and the following companies subsidiary thereto: The Rowan Granite Company, the Yadkin Land Company, the Barringer Gold Mining Company, the Yadkin River Electric Power Company, the Yadkin Mines Consolidated Company and the Yadkin and Virgilina Copper and Land Company. Mr. Hambley is president of all of these companies.

He is a man of great ability, and his executive capacity is very extraordinary. Everything he does in the way of business is systematic, careful, sagacious and prudent. Those employed by him have never had to wait a day for their wages, and no one employed by him has ever failed to be paid every cent due him. He is a man of very captivating, persuasive and winning manners, and a very fine conversationalist. A man of strong friendships, he loves his friends and they love him, and he and they are bound to each other as with hooks of steel. He is charitable and kind to the poor and needy. He has one of the most beautiful and delightful homes in this State, and the hospitality at that home is unstinted and unbounded. Mr. Hambley is a charming and

model host, and those who have been entertained at his home in Salisbury, at his Rockwell country seat, at the Whitney headquarters near Gold Hill or on the Yadkin River will never cease to remember his bountiful hospitality and considerate kindness, courtesy and attention to them in every possible way. The gentlemen who are associated with him in business have the utmost confidence in his business skill and judgment, and their affection for him could not be greater if he were their own brother. He has been more successful than any other resident of the State in inducing men with large means residing elsewhere to make investments in North Carolina.

Mr. Hambley is a life fellow of the Geological Society of London, having been elected before he was twenty-six years old, and being one of the youngest members ever elected. He is fond of reading the English classics and scientific works, and has collected a large and very select library. He loves out-of-door exercise, and is devoted to working in his garden and to playing lawn tennis.

His own wishes and personal preference determined the choice of his profession, and he has stated that he values most the opportunities he had early in life of being brought in contact with men actively engaged in the development and upbuilding of the English colonies.

On February 3, 1887, Mr. Hambley was married to Lottie Clark Coleman, daughter of Dr. Littleton William Coleman of Rockwell, Rowan County, a physician of great popularity and eminence. His wife's grandmother was Lucy Hawkins Coleman, daughter of Governor William Hawkins, and wife of Dr. Littleton H. Coleman of Warrenton, North Carolina, to whom Andrew Jackson wrote the celebrated letter on the eve of his first campaign for the Presidency, in 1824. The Hawkins family is one of the best and most extensive in America, and Wheeler says that "wherever they have gone, they have left indelible traces of genius, enterprise, integrity and patriotism." Mr. and Mrs. Hambley are very happily married, and have five children—Littleton Coleman Fleming, Gilbert Foster, William Hawkins, James Young

and Charlotte Isabel. Littleton and Gilbert are now being educated at the Asheville School, having spent two years previously at St. Paul's, Garden City.

As an example to young men, Mr. Hambley says that during his career from time to time he met with many obstacles, and failed to accomplish many things in early life which afterward were surmounted by persistent work, energy and perseverance; and being asked to give some advice to young people, submitted the following: "Be a worker, be true, apply persistent work to every undertaking, no matter how important or how insignificant; master every detail in connection with everything you undertake; never admit failure; there is no such thing as failure when pitted against constant work and energy. Be true—true to yourself, true to your friends, true to God. Be charitable—never be guilty of a lie under any circumstances whatever. Travel if you have the opportunity, and study human characteristics. Acquire a knowledge of the methods, rules and customs of society—the society of the noble and rich, the society of the masses and the society of good people. Distinguish between vanity and confidence, and if you can marry well, be sure and do so."

Mr. Hambley was born and reared in an English home, in a family of culture, elegance and refinement, all the members of which belonged to the Church of England.

John S. Henderson.



THE NEW YORK
PUBLIC LIBRARY

ASTOR LENOX AND
TILDEN FOUNDATIONS

R

L

North Carolina, October 16, 1845, and was one of eleven children, of whom only two, he and his sister, Miss Kate Hanes, survive. He comes of one of the old North Carolina families. The first of his ancestors to settle in the State was Marcus Hanes, who came from Germany and lived a while at York, Pennsylvania, but in 1777 moved to North Carolina and settled on South Fork of Muddy Creek, near Salem. This ancestor was a Moravian, noted for his sterling honesty, practical business judgment and the close application to duty for which that race is celebrated. His son Phillip built a large brick house near Clemmons ville, which is now one hundred and three years old, the nails in which are hand made, and the brick bear evidence of their great age by the various hues, that proclaim the output of the brick-makers of the early colonies. Later this house was used as an inn, and has long been one of the well-known landmarks of this section.

Joseph Hanes, one of his sons, was a large landowner, planter and slaveholder, who lived in the village of Fulton, on the Yadkin River, where he instituted a number of other industries, employing his slaves.

The old church and burial ground at this place still commemorate the Hanes name. He was succeeded by five sons and two daughters. Alexander M. Hanes, the eldest and the father of the subject of this article, also enjoyed a large and well-earned estate, and lived in the cultured and prosperous, although sequestered, village of Fulton, built and for the greater part owned by the Hanes family.

Mrs. Jane March Hanes, the daughter of Jacob March and the mother of P. H. Hanes, was a woman of remarkable strength of mind and character. It takes a great mother to make a great son; not necessarily great in intellect, nor great in culture, but great in character. In her brain and heart were born the germs which took form and developed into the mind and heart of her son. With such a mother and with such home training we are at no loss to determine where P. H. Hanes obtained his breadth of mind and force of character, for in him were reproduced the

characteristics and intellectual qualities of his noble mother. His early life was spent on the farm. There he learned industry and the value of money. There he learned that some measure of self-denial is an invariable condition of blessedness in human life. There he learned to be upright and self-respecting, working out his destiny in the sweat of his brow, loyal to his State and country and earnest in his allegiance wherever it rested.

The Civil War broke out while he was young. His three older brothers, Jacob H., George A. and Spencer J., volunteered and went to the army, leaving young Hanes to manage the farm. Jacob and George were killed in the battles of Spottsylvania Court House and Gaines Mill, and Spencer received a wound from the effects of which some years afterward he died. The fires of patriotism burned so warmly in young Hanes's heart that he enlisted as first lieutenant in the Home Guard, and did splendid service in the counties of Davie, Yadkin, Wilkes, Surry and Forsyth, and looked after the farm. At the age of nineteen he volunteered and went to the army, and joined Lee's cavalry near Richmond. His deportment, promptness and faithfulness to duty won General Roberts's admiration, who appointed him his special courier. Nothing was too perilous or difficult for him to undertake if his commanding officer said, go. He was a brave and gallant soldier, and remained in that terrible conflict until the surrender at Appomattox. His shrewd business management manifested itself in the hard and rigorous camp life of a Confederate soldier. He always kept his horse sleek and fat and had something to eat in his haversack. Returning from the war with nothing but a strong arm and a stout heart, he commenced to repair the losses of his widowed mother and to build his own fortune. He had no educational training except a few months in a country school and what he could find time to learn at home. He developed rapidly as a successful farmer and trader. He farmed during the summer and bought and sold tobacco during the winter. His restless nature could not long be kept confined on his mother's farm. In 1870 he was employed by Dulin & Booe of Mocksville to sell tobacco. At that time railroads were few

and far between, and most of the manufactured tobacco was hauled to Southern markets on wagons. In those pioneer days of the tobacco business Mr. Hanes hardly had an equal as a salesman. The firm was so well pleased with his salesmanship that he was the next year taken in as a partner, and they moved their headquarters to Winston.

An important event now happened in his life. On April 29, 1873, he married Miss Mary Lizora Fortune of Marlin, Texas, a woman of deep spirituality, with true womanly worth, housewifely thrift and domestic skill. Seven children have been born to them, six of whom are living, four bright and attractive daughters—Misses Katherine, Margaret, Frank and Ruth—two boys—P. H., Jr., and William M.—who give promise of useful and successful careers.

Mr. Hanes foresaw there was a great future in the tobacco business and resolved to move to Winston, then a small village with a taxable property of less than \$100,000. Now it has a taxable property of over \$7,000,000, and is the largest tobacco manufacturing center for flat goods in the world. In 1872 he organized in Winston the firm of P. H. Hanes & Company, with his brother, J. W. Hanes, and Major T. J. Brown as partners. They commenced the manufacture of tobacco in a two-story building 40 by 60 feet. The second year the entire building and stock were destroyed by fire. They moved to Greensboro and worked one year while the factory was being rebuilt. Major Brown now sold his interest, and the business was continued uninterruptedly by P. H., J. W. and B. F. Hanes. Some years afterward Mr. B. F. Hanes withdrew and established a business of his own, leaving P. H. and J. W. as the sole owners and proprietors. Never did two men labor more earnestly and diligently, and never was success more phenomenal. Twice having been burned completely out, they only redoubled their energies, and seemed to come forth from the ruins stronger and more powerful than ever. They built up a business the fame of whose brands was known throughout the entire South, and whose reputation for reliable and honorable dealing was equally as well known. In 1900, when the business

had reached a capacity of 5,000,000 pounds, it was sold to the R. J. Reynolds Tobacco Company.

Mr. Hanes did not remain idle, but began at once seeking new fields for the investment of his capital. Without any previous knowledge of the business, he equipped and is running successfully a large knitting mill for the manufacture of socks, stockings and underwear.

He is vice-president of the Security Life and Annuity Company of Greensboro, an exceptionally progressive and prosperous institution; he is president of the United States Veneering Company, which has the largest woodworking machine in the world, and will doubtless revolutionize the veneering business; he is also vice-president of the Washington Mills of Fries, Virginia, one of the largest cotton mills in the South, and besides these interests, just west of Winston he operates one of the most extensive and successful stock, dairy, grain and tobacco farms in Forsyth County. This latter interest he values chiefly for the pleasure it gives him in developing high grade stock and general farm products, though it has proven a model farm, with excellent financial returns.

In religion Mr. Hanes is a Methodist. For years he has been a member of the Board of Stewards of Centenary Church, and contributes liberally toward its support. He is likewise a Pythian and a Mason, being a member of the Oasis Temple of the Mystic Shrine.

In politics he is a staunch Democrat, and has always been ready to give his time and means for the success of his party.

Soon after moving to Winston he was elected a member of the Board of Aldermen, and served acceptably in that capacity for several years. He was progressive, public-spirited, and with other able gentlemen of that day laid wisely and well the foundation of this splendid city. He was on the committee that projected and built the first city waterworks and graded schools of Winston. While he has always taken a lively interest in public affairs, and has kept well informed on public men and measures, he has never sought public office. In 1900 he was chosen to fill out an unex-

pired term as chairman of the Board of County Commissioners, and was re-elected the following term. He carried into that important office the same sound judgment and executive ability that characterized his private life. He knew no man or party in the discharge of his duty. He always looked to the best interest of his county, and tried to get the best results with the people's money. He believed real economy consisted in buying the best teams and tools that could be bought, and building the best roads and bridges that could be built. Soon after he was inducted into office he commenced the good roads movement, purchased a complete outfit for road building and started the work in earnest.

Like all great movements, it was slow and expensive at first and aroused much opposition. In this great work Mr. Hanes has been a benefactor to Forsyth County. He foresaw that the building of good roads from the field of production to the center of consumption would develop both the town and the county as nothing else would do. He had the courage to carry forward, over the protest of many of the people, a great work that was for the public good. He not only has had the satisfaction of knowing that he was right, but permanent road building through his untiring effort became a fixed policy in our county affairs. His work and influence in this respect has not been confined to Forsyth County. He is president of the Good Roads Association of North Carolina, and was appointed by Governor Aycock as a delegate to the Good Roads Congresses at Buffalo, Philadelphia and St. Louis.

Mr. Hanes has a pleasing personality, is of medium height, carries himself erect and moves with restless energy, full of business, quick, ready and resourceful. He is naturally gentle and kind, but when aroused is bold and courageous. He has a keen insight into human nature, which has added no little to his remarkable success in business. In the sale of merchandise, houses or lands, Mr. Hanes stands among the foremost. He seems to know intuitively when to buy and sell, and has few equals in a trade. His motto is, "What is worth doing at all is worth doing well." He is very painstaking and careful and does everything in the

most improved and substantial manner. While he is by birth and training a farmer, and is one of the most practical and successful farmers in Forsyth County, he is also a wide-awake, progressive business man, and handles large business propositions with great skill and ability. He has an indomitable will. He believes that there is a "perennial nobleness, even sacredness, in work. There is always hope for a man that actually and earnestly works. In idleness alone there is perpetual despair." He has great faith in a young man's power to succeed who has pluck and determination. He believes that a man can succeed in any calling who has the will and sticks to it, and who learns early in life to labor and to wait.

P. H. Hanes's remarkable career in many respects is worthy of study and emulation. It shows what can be accomplished in life with industry and good judgment coupled with honesty, sobriety and economy.

O. B. Eaton.



THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX AND
TILDEN FOUNDATIONS
P L

old Salem's borders, for the remainder of his earthly pilgrimage.

Here, too, his family lived until the grandson was attracted by the Yadkin River and built his home upon its banks.

Alexander Martin Hanes was born March 5, 1809, and died April 25, 1861. He was a farmer, and also conducted a tannery, which was the largest and best known of any in his entire section of country. He was a man of wide influence, quiet, unassuming, kind, devoted to his family and successful in all the affairs of life. His wife, to whom he was married September 26, 1833, was a daughter of Colonel Jacob March, who was born August 11, 1775, and died in Davie County on December 30, 1831, and of Margaret Hinkle March, who was born July 27, 1775, and passed to the great Beyond March 2, 1831.

The March family were also from Germany, and one of the four brothers who came over had settled in what was then Rowan County, early in colonial times.

The family through all the years of our history has been one of prominence and note.

The children born to Alexander M. and Jane Hanes were Pauline, who did not live to womanhood; Spencer J., who received a gunshot wound in the trenches at Richmond, which resulted in his death; Mary M., who married H. X. Dwire in 1866 and who died in 1885; Jacob H., who enlisted at the beginning of the war in Company G, Fourth Regiment, North Carolina State troops, and was killed at the battle of Spottsylvania, May 12, 1864; William H., who did not live to manhood; George A., who enlisted in Company E., Forty-second North Carolina Regiment, and was killed near Gaines Mill, Virginia; Pleasant H., who surrendered with Lee at the close of the war, and who is still living; Catherine E., who lives in Winston-Salem, North Carolina; John W., the subject of this sketch, who died September 22, 1903; Phillip, who died March 14, 1903; and Benjamin Franklin, who died August 24, 1904.

As a boy, John Wesley Hanes was sturdy, vigorous and well developed, accustomed to outdoor exercise and work on the farm,

but his love for books was strong, and his leisure moments were spent in reading and study. He was only a child when the war came on, but additional responsibilities fell upon his shoulders when his brothers went to the front.

After the death of his father, the mother, with the family, removed to Hickory Hill, on Dutchman's Creek, near Mocksville, and here the boy began his work. After the war he attended Trinity College, and proved himself to be a careful, successful and enthusiastic student.

After leaving college he returned to the farm in Davie County. His brother, P. H. Hanes, had been doing a remarkably successful wagon tobacco trade, and had been induced by A. M. Booe, a manufacturer of Mocksville, to join his energy and push and experience with his enterprise. This combination prospered, and John took his brother's teams and wagons and continued the trading in which P. H. Hanes had formerly engaged. But railroad facilities were lacking, and with an eye to the future the two brothers decided to manufacture for themselves and to locate in Winston-Salem.

In 1872 they began in a small way, having erected a factory here. Major T. J. Brown soon became interested with them, and later Mr. P. N. Dulin, who had formerly been a partner with Mr. Booe at Mocksville. Unfortunately, Mr. Dulin died, and the three remaining partners were obliged to settle with the heirs, and, cramped for means, to continue as best they could; and just as they were beginning to prosper, in the second year of their business, their factory was entirely destroyed by fire. They owed considerable money, and had but little insurance, and the future seemed discouraging. But with the faith and energy and pluck so characteristic of the men, they bought their partner's interest and made preparations to rebuild. Meantime, in order that they might continue work and supply their trade, they rented what was known as the Zeke Jones factory in Greensboro, and manufactured tobacco there for one year while their new plant was being constructed. Addition after addition was made to the new plant year after year until finally this factory with the additions

was outgrown. Then plans were made for one of the largest and best and most modern establishments in the South. This factory was carefully constructed, and was soon occupied and filled to its utmost capacity. Just as everything seemed to be in perfect order, and as prosperity seemed to be smiling upon the firm, another great fire, in 1893, originating in neighboring property, came, bringing destruction and severe financial loss. Just as had been the case before, a larger and better plant was the final result. The business continued to prosper and grow until the firm of P. H. Hanes & Company was known throughout the United States, and until the volume of business done by them was so great as to be noted everywhere. Then the R. J. Reynolds Tobacco Company negotiated for and purchased the Hanes business, paying for it a princely fortune.

Mr. P. H. Hanes was often out of the State attending to the sales and the salesmen, but Mr. John Hanes was constantly at home and in the office and the factory, directing with a clear head and a strong, active hand.

After the tobacco business had been sold, instead of retiring or giving his time only to looking after his investments, Mr. Hanes at once began to look about him for some new field of activity and work, and established a large and successful plant for making hosiery, which he christened the "Shamrock Knitting Mills," and to this work he gave his time and thought and energy until the summons came.

During all these years of restless activity, hard work and high tension, Mr. Hanes had been deeply interested in everything connected with the growth and development of the community, and had always been ready to do his part in public affairs.

He had served a number of times as president of the Chamber of Commerce, and held this position at the time of his death. For years he had been a member of its executive boards. He had served as president of the Roanoke and Southern Railroad, as director in a banking institution and of a number of corporations.

But his great delight and comfort and happiness was in his home. He had been happily married on December 2, 1879, to

Miss Anna Hodgkin, daughter of Stephen H. and Lucy Moir Hodgkin of Winston-Salem, and eight children were born to them, all of whom are still living. Mr. Hanes was particularly interested in the proper education and development of his boys and girls, and spared no pains or expense where their best interests were at stake.

In politics Mr. Hanes was a Democrat, but he was liberal and broad in thought and in his reading and devoted to his State and community. He was a consistent member of the Methodist Church, and deeply interested in its affairs.

In all the relations of life he was honest, straightforward, frank, manly, plain and upright. He had strong convictions, and could be depended upon to express them and live up to them. His life was a successful one, his character a fine one, his nobility and manhood most attractive and inspiring.

The resolutions lovingly prepared by his associates in the Chamber of Commerce show the place he occupied in the hearts of the people, and from them we quote :

“WHEREAS, John W. Hanes, the honored president of the Chamber of Commerce, has been for nearly thirty years identified with the important commercial interests of this city, and has been during that period among the foremost leaders in the inauguration, expansion and growth of the various enterprises promulgated by the Chamber of Commerce for the welfare and upbuilding of this city; and whereas he has manifested the most zealous and enthusiastic devotion to whatever concerned the vital interests of all the citizens of this community; therefore, be it

“*Resolved*, That we, as an organization composed of men engaged in the various activities of trade, deem it not only proper and becoming, but also as highly incumbent upon us, to turn away for a while from our daily employment, to contemplate the successful, honorable and useful career of one of our most highly esteemed business associates, whose life has been spent in almost daily contact with us in the business and social relations of life.

“Profoundly conscious of the value to a city of a man highly endowed with business sagacity, reliable and prudent, a calm, conservative and yet aggressive public spirit, combined with unswerving integrity and the sterling qualities of a consistent Christian character, we are deeply impressed with the loss and bereavement we have sustained in the death of our presiding officer, our business associate and our personal friend—John W. Hanes.

“Frank and unpretentious, clear-headed, vigorous and strong, honest, upright and true, having been honorable as well as successful in business, loyal and patriotic in his citizenship, pure in life and conduct and steadfast in his Christian faith.

“*Resolved*, That we extend to his family our sincere sympathy in this time of grief and mourning for one who loved them so tenderly and devotedly.

“*Resolved*, That these resolutions be spread upon our minutes, that a copy be sent to the family of the deceased, and that copies be furnished to the city newspapers for publication.”

William A. Blair.





CORNELIUS HARNETT



HE life and character of Cornelius Harnett have excited the admiration of all who have studied his career. Bancroft mentions his "disinterested zeal" in the public cause. Frothingham calls him "the foremost actor in the movement for independence." According to McRee, he was "the representative man of the Cape Fear." Archibald Maclaine Hooper, whose name betrays his parentage, writes of him as "the favorite of the Cape Fear and the idol of the town of Wilmington." "He was incomparably the first man of the Cape Fear country," writes another, "and second to none in the State." Governor Swain speaks "of his lofty and disinterested patriotism." Mr. George Davis, himself a beloved and devoted son of the Cape Fear, grows eloquent in speaking of Harnett. In an address on "The Early Times and Men of the Lower Cape Fear," he says: "To all the men of whom I have spoken history has done some justice, more or less partial. But there was yet another who shone like a star in the early troubles of the State, of pure and exalted character, of unsurpassed influence with his countrymen, and the value of whose services was equaled only by the extent of his sufferings and sacrifices in the cause of liberty. . . . I speak of Cornelius Harnett, the pride of the Cape Fear—the Samuel Adams of North Carolina.'"

These expressions of eulogy are justified not only by his services

to the State, but by the confidence and admiration in which he was held by his friends and associates, and by the fear and hatred felt for him by the enemies of his country. The former manifested their confidence and regard in every possible way. They elected him to almost every post of honor they had to bestow; they followed him in the perilous path of civil war and revolution; they accepted his guidance in the overthrow of one form of government and in the organization of another; and never once did they waver in their support. Josiah Quincy, Jr., of Massachusetts, at a time when that colony was dominated by the genius of Samuel Adams, wrote in his diary that Harnett was "the Samuel Adams of North Carolina." Nor were the enemies of American independence unmindful of his worth and influence. Governor Martin marked him down as one of the four men in the colony who, "by their unremitting labors to promote sedition and rebellion," placed themselves "foremost among the patrons of revolt and anarchy." Sir Henry Clinton, too, left a record of his estimate of Harnett's ability and influence by excepting him, together with Robert Howe, from his proclamation of general amnesty in May, 1776.

Cornelius Harnett was born April 20, 1723. The place of his birth is in doubt. There seems to be no evidence in support of McRee's statement that he was born "in the land of Sydney and Hampden." His father, a Cornelius Harnett also, had been living in Chowan County for a year at least before the birth of his son. Harnett's mother, Mary Holt, was a North Carolina woman. Caswell, writing to him in 1777, makes reference "to the county in which you had the honor to draw your first breath"—probably Chowan County, where his father lived at the time of the birth of the son. In 1726 the elder Harnett moved to Brunswick. Cornelius Harnett had, therefore, the good fortune of growing up with the Cape Fear settlement, becoming early in life identified with the interests of its people.

Some time before 1750 Harnett became a resident of Wilmington, where he lived the rest of his life. On April 7th of that year he was appointed by Governor Johnston to his first public office—justice of the peace for New Hanover County. In August

he was elected commissioner for the town, and during the period from 1750 to 1771 he served in that capacity eleven years, though not continuously. It was in the discharge of the duties of this office that he first displayed his capacity for more important ones and won his way into the hearts of his people.

Harnett's first call to broader fields came in the year 1754, when he was elected to represent Wilmington in the Colonial Assembly. Twelve other Assemblies were elected in North Carolina under the authority of the Crown, in every one of which Harnett sat as a member for Wilmington. His legislative career covered a period of twenty-seven years, embracing service in the Colonial Assembly, in the Provincial conventions and in the Continental Congress.

To write an account of Harnett's services in the Colonial Assembly would be to write the history of the Assembly from 1754 to 1775. There were few committees of any importance on which he did not serve; few measures affecting the general welfare about which he was not consulted; few debates in which he was not heard with effect. In the long contests between the Assembly and the governors he was ever the uncompromising foe to the encroachments of the royal prerogative.

In 1765 William Tryon became governor of North Carolina. His administration was distinguished by the resistance to the Stamp Act on the Cape Fear and the insurrections of the Regulators on the Eno. In the former Harnett was one of the leaders who successfully defied the attempts of the governor to enforce the act in North Carolina; in the latter he was one of those who upheld the governor's hands in suppressing the disorders in the interior of the province. For his services in both of these trying ordeals he received the thanks and appreciation of the people.

After the battle of Alamance the Assembly voted him an allowance of "one hundred pounds to defray the extraordinary expenses" he incurred in that campaign, and spread upon their journal that they did this not only because they were "convinced of the great service rendered his country by his zeal and activity," but also "in consideration of his not having been in any office or employment from which he could possibly derive any compen-

sation for the great expense he was at in that expedition." The Council expressed pleasure at the attention the House showed "to the merit and good service of Mr. Harnett."

Shortly after the battle of Alamance Governor Tryon left North Carolina and was succeeded by Governor Martin. Martin's administration opened with a fight over the Court Law, growing out of the refusal of the king to pass any law containing an attachment clause. British merchants carried on business in North Carolina through agents, never coming here themselves. In course of time many of them came to be large landowners in the province. In order to secure debts owed by these merchants to North Carolinians, the Assembly in the Tryon Court Law inserted a clause empowering the colonial courts to attach this property to secure those debts. The British merchants objected to this clause, so the king instructed Martin, upon the expiration of the law passed during Tryon's administration, to see that it was not inserted in the new law. Cornelius Harnett was one of the leaders in this fight. He was a member of the committee to prepare the Superior Court Bill, and chairman of the committee to prepare the Inferior Court Bill. In the bills reported the objectionable clause was inserted. The governor refused to break through his instruction. The Assembly was stubborn and would not yield. Session after session went to wreck on this reef, the Assembly declaring that rather than lose this protection they would prefer to be without courts altogether, and from 1773 to 1776 there were no courts for the trial of civil cases in North Carolina. The governor attempted to create courts by the exercise of the king's prerogative, but the people refused to honor their decrees and the Assembly declined to vote funds for their maintenance. Martin was thoroughly beaten, because the people, led by Cornelius Harnett and his associates, made anarchy tolerable. The dispute was never settled—but finally there were no more royal governors and kings to interfere.

By this time it had become apparent to all thoughtful men that it was necessary to devise some scheme for united action among the various colonies. A common oppression had driven them to

a common resistance. Foresighted men began to lay plans to meet this necessity. In March of 1773 Josiah Quincy, Jr., of Massachusetts, visited Wilmington. He left an interesting account of his visit. The night of March 30th he spent at the home of Cornelius Harnett, whom he calls the Samuel Adams of North Carolina, "except in point of fortune." Robert Howe also was present. They spent the evening discussing the plan of Continental correspondence promulgated by Virginia and Massachusetts. Quincy says that the plan was "highly relished, much wished for, and resolved upon as proper to be pursued." Accordingly, at the next session of the Assembly the plan was submitted to the House of Representatives and agreed to, and a committee of nine persons was appointed to act as a Committee of Correspondence for North Carolina. Cornelius Harnett was one of the members of the committee. This was the most important step yet taken toward revolution, for, as Mr. Fiske says, "it was nothing less than the beginning of the American Union."

Governor Martin was not pleased with the attitude assumed by the Assembly in the disputes with the royal government, and so he determined not to convene another Assembly until the troubles subsided. Thereupon the people took the matter into their own hands and elected a Congress without the authority of the governor. This convention met in New-Bern August 25, 1774. Among its most important actions was a resolution authorizing the counties and towns to organize committees of safety for the purpose of enforcing the resolves of the provincial convention and of the Continental Congress. The system of committees was admirably organized, and worked so successfully that their powers were gradually enlarged and increased until they assumed a jurisdiction that would not have been tolerated in the royal government.

In all the history of our people there has been nothing else like these committees. It would be difficult to find another example of government which touched the lives of the people so closely as they did. Born of necessity, originating in the political conditions of the time, they make one of the most interesting chapters in the history of the State. Of them Colonel Saunders says:

“Usurping some new authority every day, executive, judicial or legislative, as the case might be, their powers soon became practically unlimited.” Governor Martin characterizes them as “extraordinary tribunals.” In every respect they were extraordinary, insurrectionary, revolutionary. Illegally constituted, they demanded and executed such authority as the royal government had never dreamed of, and received such obedience as it had not dared aspire to. Yet not only did they not abuse their power, but voluntarily resigned it when the public welfare no longer needed their services. They were the offspring of misrule, and rose and fell with their parent.

Of all the committees in the province, the Wilmington and New Hanover committees were the most active and most effective. When the Wilmington Committee was organized, Cornelius Harnett was unanimously elected chairman. When the New Hanover Committee was organized a few months later, he was unanimously elected its first chairman. Of both these committees he was the master-spirit, the genius, the soul. Their work was his work. Throughout their existence he dominated their actions, and the great work which they did in the cause of freedom is his monument.

The Provincial Congress, in the fall of 1775, extended the committee system by organizing the Provincial Council, composed of thirteen persons, one chosen from the province at large and two from each of the six military districts into which the province was divided. This Council was the chief executive authority in the province, and was given extensive powers. Among its members were Samuel Johnston, Cornelius Harnett, Samuel Ashe, Abner Nash, Thomas Person, Wiley Jones and Samuel Spencer. When the Council met to elect its president, as Bancroft says, “that office of peril and power was bestowed unanimously on Cornelius Harnett of New Hanover, whose disinterested zeal had made him honored as the Samuel Adams of North Carolina.” By virtue of this office Harnett became the chief executive of the new government. The organization of this central committee with adequate powers and authority immediately bore good fruit.

Governor Martin wrote that the authority, the edicts and the ordinances of the Congresses and conventions and committees had become supreme and omnipotent, and that "lawful government" was annihilated. Everywhere the spirits and activity of the patriots took on new life, and everywhere, according to the royal governor himself, the spirits of the Royalists drooped and declined daily. There can be no better comment upon the effectiveness of the administration of Harnett and his colleagues.

At Halifax, April 4, 1776, the fourth Provincial Congress met. Cornelius Harnett was the member from Wilmington, as he had been of the second and third conventions. The victory at Moore's Creek Bridge in the preceding February had stirred in the hearts of the people of North Carolina a desire for independence, and they expected this convention to give official expression to the prevailing desire. Accordingly, four days after the opening of the session, a committee, of which Harnett was chairman, and Allen Jones, Thomas Burke, Abner Nash, John Kinchen, Thomas Person and Thomas Jones were members, was appointed to draft a resolution expressive of the sense of the convention. Cornelius Harnett was the author of this resolution, which he reported for the committee on April 12th. After a long and spirited preamble setting forth the wrongs committed by the "British Ministry" against America, the following resolution was recommended:

"Resolved, That the delegates for this Colony in the Continental Congress be empowered to concur with the delegates of the other Colonies in declaring Independency, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a Constitution and laws for this Colony, and of appointing delegates from time to time (under the direction of the general representation thereof) to meet the delegates of the other Colonies as shall be hereafter pointed out."

The convention unanimously adopted the committee's report. Comment is unnecessary. The time, the place, the occasion, the actors, the action itself, tell their own story. Mr. Bancroft says: "The American Congress needed an impulse from the resolute spirit of some colonial convention, and the example of a government springing wholly from the people. . . . The word which

South Carolina hesitated to pronounce was given by North Carolina. That colony, proud of its victory over domestic enemies, and roused to defiance by the presence of Clinton, the British general, in one of their rivers, . . . unanimously" voted for independence. "North Carolina was the first colony to vote explicit sanction to independence." The enemies of American independence were not unmindful of the part taken by Cornelius Harnett in this action. Sir Henry Clinton had just reached the Cape Fear, too late to co-operate with the Highlanders in their disastrous attempt to hold the province for the Crown. There was nothing left for him to do, therefore, but to issue a proclamation and sail away. Accordingly he proclaimed from the deck of a man-of-war that a horrid rebellion existed in North Carolina, but that in the name of his majesty he now offered a free pardon to all who would acknowledge the error of their way, lay down their arms and return to their allegiance to the Crown, "excepting only from the benefits of such pardon Cornelius Harnett and Robert Howes."

In the winter of 1776 the fifth and last Provincial Congress met at Halifax. Harnett sat for Brunswick County. The principal work of this body was the adoption of the first constitution of North Carolina. Harnett was a member of the committee which drafted it, and exercised a large influence in its preparation. He inspired and probably wrote that imperishable clause which forbids the establishment of a State church in North Carolina, and secures forever to every person in the State the right to worship God "according to the dictates of his own conscience."

This convention elected the first officers of the new State. Richard Caswell was elected governor. Harnett was chosen first councillor of State. By the election of Caswell as governor the presidency of the convention became vacant, and Harnett was elected to fill the vacancy. The journal of the last of those remarkable conventions that converted North Carolina from a province of the British Empire into a free American State is signed by "Cornelius Harnett, President."

Harnett was re-elected to the Council of State by the first legis-

lature that met under the constitution. He did not serve long in this capacity, as he was soon afterward elected a delegate to the Continental Congress, and resigned his seat in the Council. He took this action reluctantly. It meant loss of comfort and ease, sacrifice of both money and health, but he did not feel justified in declining to serve the State at her bidding. He therefore entered upon his duties in June, 1777. Harnett was in the Continental Congress at the time of Washington's Pennsylvania campaign, and was thus brought face to face with the great difficulties under which Washington was laboring. These convinced him of the necessity of a stronger union among the colonies, with some central power having sufficient authority to force the States to do their full duty. His appeals to North Carolina through letters to his friends are forcible and eloquent. He urged the State to keep her battalions well filled. He insisted that taxes should be levied to meet the expenses of the war and to keep up the credit of the State. He denounced in unmeasured terms the greed of those who were taking advantage of their country's misfortunes to advance the prices of the necessities of life, and urged that the Assembly should regulate the cost of at least such commodities as the army needed. He warned his constituents against the folly of expecting foreign powers to win independence for them, urging them to depend only upon their own patriotism and virtue. A detailed account of his services is impossible in this sketch. They were worthy of his great career. The field was narrow, however; the situation disagreeable, his health poor, the expense of living great. He wrote to his friend Burke that living in Philadelphia cost him £6000 more than his salary, but adds: "Do not mention this complaint to any person. I am content to sit down with this loss and much more if my country requires it." He missed the comforts of home, wearied of the quarrels and bickerings of Congress, suffered with the gout until he was thoroughly worn out.

Finally much needed relief came. In February, 1780, he made his last journey from Philadelphia to Wilmington, "the most fatiguing and most disagreeable any old fellow ever took." He

had only one year of life before him, a year of gloom, of hardship and of suffering. In January, 1781, Major James H. Craig, one of the most energetic officers in the British army, took possession of Wilmington. Harnett was the first victim of his zeal in the royal cause. He was captured, imprisoned in a block-house and treated with indignities which probably hastened his death. On April 28, 1781, he wrote his will, bequeathing his entire estate to his wife. He then breathed his last.

Harnett's grave is in the northeast corner of St. James Churchyard, in the city of Wilmington. He contributed liberally to the erection of the first St. James Church; for a long time was a member of the vestry, and always retained a pew in the church. In spite of these things and a great deal of other evidence to the contrary, a tradition has come down to us that Harnett was an infidel. I find no evidence in support of the statement and much to refute it. My opinion, after careful investigation, is that the statement is erroneous. Much is made of the epitaph on his tomb, said to have been selected by himself:

"Cornelius Harnett,
Died April 20, 1781,
Age 58.

'Slave to no sect, he took no private road,
But looked through Nature up to Nature's God.'

The above date of Harnett's death is evidently an error. His will, in his own handwriting, is preserved in the court-house at Wilmington. It is dated April 28, 1781.

Harnett lived just outside of Wilmington. His house, surrounded by a grove of fine oaks, stood on an eminence on the east bank of the Cape Fear, commanding a fine view of the river. Here Harnett lived at ease, entertaining upon such a scale as to win a reputation for hospitality even in the hospitable Cape Fear country.

"His stature," says Hooper, "was about five feet nine inches. In his person he was rather slender than stout. . . . His countenance was pleasing, and his figure, though not commanding,

was neither inelegant nor ungraceful. In his private transactions he was guided by a spirit of probity, honor and liberality, and in his political career he was animated by an ardent and enlightened and disinterested zeal for liberty. . . . He had no tinge of the visionary or of the fanatic in the complexion of his politics. . . . That he sometimes adopted artifice when it seemed necessary for the attainment of his purpose may be admitted with little imputation on his morals and without disparagement to his understanding. His general course of action in public life was marked by boldness and decision."

His character was worthy of the love and confidence of his friends; his career deserves the appreciation of a grateful people

R. D. W. Connor.





LOUIS D. HENRY

THOUGH a native of New Jersey, where he was born in 1788, Louis D. Henry settled in North Carolina about the time he became of age, and spent the remainder of his life in the latter State. He was a graduate of Princeton in the class of 1809, and after coming to North Carolina studied law under Edward Graham, an eminent practitioner of that profession at New-Bern.

While a young man, Mr. Henry figured in a duelling tragedy with Thomas J. Stanly of New-Bern. Stanly belonged to a brilliant and spirited family whose members have fought more duels than any other race of men who ever lived in North Carolina. The origin of the Henry-Stanly duel was trivial in the extreme, but brought on insults which resulted in the usual evil recourse of that time. In a magazine article in *Our Living and Our Dead* for January, 1875, an old resident of New-Bern says of this affair: "The origin of the difficulty is said to have been the playful toss by Mr. Stanly of a piece of cake across the table, which fell into a cup of tea and splashed the liquid on Mr. Henry's vest, at a party given by Mr. Gaston. A lady at the side of Mr. Henry made a thoughtless remark, which aggravated the trifle between personal friends. An insult was imagined, a hasty reply given, then followed a challenge to mortal combat, which terminated fatally. On being consulted by his young brother, it is said that the

Hon. John Stanly advised the hostile meeting." John Stanly, it will be remembered, had killed Governor Spaight in a duel not many years before. The duel between Mr. Henry and Thomas Stanly occurred on the 14th of February, 1813, that being Sunday, as was also the day on which Governor Spaight was mortally wounded. The second of Thomas Stanly was George E. Badger, then only eighteen years old, who was afterward United States senator, secretary of the navy, etc. The *Edenton Gazette* of February 23, 1813, fiercely arraigned the participants in the Henry-Stanly duel in an account of the affair as follows:

"On Sunday afternoon, the 14th instant, an affair of honor (as it is called) took place over the Virginia line between Mr. Thomas T. Stanly and Mr. Louis D. Henry, both of the town of New-Bern, which proved fatal at the first fire. Mr. Stanly having received his antagonist's ball in the right side, fell and instantly expired. We understand Mr. George Badger was second to Mr. Stanly, Dr. Scott attending physician and Dr. Boyd second and physician to Mr. Henry. The seconds and attendants of these deluded young men, who had traveled with their friends upwards of one hundred miles to decide this 'point of honor,' which in all human probability could have been settled in an amicable and honorable way, as soon as Mr. Stanly fell, disgracefully made off, leaving the corpse on the ground. We learn, however, that from some intimation given, the body was soon after found and decently interred by the inhabitants in the neighborhood, who had got information of the shocking scene a few minutes too late to take into custody the honorable survivor and still more honorable attendants. Mr. Henry, we learn, was the challenger. We trust the governor of Virginia, whose duty it is, will demand of the governor of this State the above-named gentlemen, in order that they may be brought to expiate the crime of which they stand charged by their country and their God."

The above account in the *Edenton Gazette*, written by James Wills, the editor of that paper, was called into question by a correspondent of the *Raleigh Minerva* shortly thereafter, who wrote in part as follows:

"As Mr. Wills does not pretend to be informed with certainty of the circumstances which occasioned the meeting, it is inconceivable to me how he could presume that the difference might 'have been settled in an amicable and honorable way.' Candor, I should think, would have pre-

sumed otherwise. His assertion that the attendants did disgracefully abandon the body of Mr. Stanly I am fully authorized to contradict—and to declare that every measure was taken which humanity or friendship could dictate, as far as the nature of the case would admit, to insure a speedy and proper attention to the remains of Mr. Stanly.”

Mr. Henry was not prosecuted for the death of Mr. Stanly, the courts of that period being very lenient to duellists; but up to the time of his death this tragedy of his youthful days was ever a blight upon his peace of mind.

Having removed from New-Bern to Fayetteville, Mr. Henry at once gained a high position at the bar, and also occasionally engaged in politics. In 1821 and 1822 he was elected to the North Carolina House of Commons, and in the same body was borough representative from Fayetteville at the sessions of 1830, 1831 and 1832. At the session last named, which met on the 19th of November, 1832, he was elected speaker of the House of Commons.

Mr. Henry declined the appointment of Minister to Belgium, which was tendered him, but in 1837 accepted an appointment from President Van Buren as commissioner to settle claims under treaty with Spain.

On the 10th of January, 1842, the Democratic State Convention nominated Mr. Henry for governor of North Carolina as a candidate against Governor John M. Morehead, who was standing for re-election. In the election, which took place on the 4th of August, Morehead was victorious. In his canvass during that campaign Mr. Henry was greatly hampered by sickness.

Henry's next political service was as Presidential elector, he being a delegate to the National Democratic Convention which met in Baltimore on the 27th of May, 1844, and nominated James K. Polk for President.

On the 8th of January, 1846, the Democratic State Convention met in Raleigh and nominated Green W. Caldwell for governor. Over that gathering Mr. Henry was chosen to preside, and it was his last public service, for he died shortly afterward, June 13, 1846, at his home in Raleigh, having removed to the Capital City some years before.



APR 18 1882

Yours truly
W. F. Steiaks



WILLIAM JACKSON HICKS

THOSE who have visited that noble Masonic institution, the Oxford Asylum, and who remember the hundreds of fatherless children there provided for, will also recall a stalwart, gray-haired gentleman who stands *in loco parentis* to all the juvenile throng. This is Superintendent William J. Hicks, and in him the little boys and girls of the institution find a sympathetic friend and counsellor, ready at all times to follow the teachings of the great fraternity by which the orphanage was established, and "soothe the unhappy, to sympathize with their misfortunes, to compassionate their miseries, and to restore peace to their troubled minds." Few men can be found so well qualified for this position as Colonel Hicks, whose kind heart, bright disposition and years of personal experience with hard labor and the serious problems of life render him no stranger to the sunshine and shadows of the little lives over which he exerts so great an influence for good.

Though a resident of North Carolina for more than a half a century, Mr. Hicks is a native of Virginia, having been born in Spottsylvania County of that State, on the 18th day of February, 1827. The Hicks family is of English stock. The earliest of the name coming to America was Peter Hicks, who was born in England in 1720, but in early manhood settled in Virginia, where his son, also named Peter, was born. The latter, like his

father, was a farmer in Spottsylvania County, and for a number of years was high sheriff of the county, and he served in the Revolutionary War. He attained a great age, passing away in 1844 much venerated in his community, whose esteem he had enjoyed to a remarkable degree. His son, Martin Hicks, inherited the good will and respect which the community had accorded to his father, and throughout his life bore an unblemished name. He, too, engaged in agriculture, and cultivated a farm in Spottsylvania, and there, when twenty-four years of age, in the year 1813, he brought his wife, Nancy Pendleton, a daughter of Robert Pendleton of the same county.

But Mrs. Hicks died when their son, William J. Hicks, the subject of this sketch, was only three years old, and the loss to him of his mother's care was irreparable.

In his early youth he was somewhat delicate, but as he matured he became more robust, and eventually developed into a man of large frame and fine proportions, becoming a splendid specimen of vigorous manhood. He was taught the rudiments at home, and when thirteen years of age he entered school, but his studies were soon interrupted by the long-continued illness of his father, which led to his being detained at home to manage the farm; and until he was twenty-one he continued engaged at that work. About that time his father died, and then he began life on his own account.

As his educational advantages had been so meager, after becoming a man he determined to improve himself, and during the winter months, when his work was interrupted, he attended school, and addressing himself with resolution to his studies, he gained the elements of a solid education. Indeed, he realized so thoroughly the importance of remedying his deficiency in this respect that he applied himself closely to his books when opportunities presented, at night as well as by day, and he often kept up a friend who was further advanced than himself until one and two o'clock at night to aid him in his lessons. Later in life he perfected his education by studying and consulting such books as bore on his special work, being aided in his endeavors by friends who were drawn to him by his earnestness in the pursuit of knowledge.

He had from his youth up been fond of mechanical works, and even in childhood had displayed ingenuity in making tools and fashioning miniature mills and such other contrivances; and so shortly after the death of his father he forsook the farm and abandoned agricultural pursuits, and soon became engaged in quarrying stone and in stone-cutting, and thus obtained an experience that later in life was to be of great value to him. He also became familiar with the business of a millwright and with carpentry. His strong, active mind and solid powers and vigorous manhood soon made him proficient in these various arts, and he also acquired skill as a first-class machinist, and his mechanical turn found an ample field for development. His judgment and practical sense quickly gained him an enviable reputation, and he became known as a workman in whom every confidence could be placed for thoroughness and carefulness. In 1852 he was employed by Smith, Colby & Company of New York to install a mining plant for the McCulloch Gold Mine in Guilford County, near Greensboro, and for two years he remained in that part of North Carolina. Later he was engaged in constructing and equipping the paper mill on Neuse River, at the Falls of Neuse, near Raleigh, and he was so much pleased with Raleigh that he determined to locate there permanently; and on the 4th of March, 1858, he was happily married to Miss Julia Louise Harrison, a daughter of John R. Harrison, one of the most esteemed citizens of Raleigh. On the completion of the paper mill he turned his attention to housebuilding as a contractor and builder, and his wide range of experience was very useful to him. He was master of every detail of construction, and faithful and correct in all his dealings, and his work always gave full satisfaction.

During the war the State found it necessary to erect a powder mill near Raleigh, and the competency of Colonel Hicks was so apparent, that although it was a novel business, he was selected for that work, and did it most satisfactorily, and then he was employed as superintendent of the mill. According to frequent and repeated tests made by the Ordnance Bureau at the arsenal

at Fayetteville, the powder made at that mill was the best in the service of the Confederate Government. As a small-arm powder it was very superior, and its uniform strength was somewhat remarkable. The management of the mill and the manufacture of the powder reflected the greatest credit on Colonel Hicks, especially under the trying circumstances of the war.

In that position Colonel Hicks was of great use to the State and to the Confederacy. Careful and prudent, a man of excellent judgment, he managed the business committed to his care with great acceptability. He continued in this work until the mill was destroyed by fire by the Federal Government.

When peace came, he at first ventured in the rosin business, there being a great demand for that article, of which considerable quantities were to be found where there had been former distilleries; but soon he again returned to the occupation of a contractor for building houses, and enjoyed an enviable reputation in that line of work.

In 1869 it was determined by the State to erect a penitentiary building, and the confidence felt in Colonel Hicks's character and his skill and experience led to his selection by the Board of Directors as the superintendent and assistant architect of that work, and it was made a part of the contract for its construction that he should have that connection with it, and no work was to be accepted and paid for without his approval. It was felt that his name would be a sure guarantee for fidelity of construction and an honorable performance of all contracts and agreements. The location near Raleigh being determined on, ground was soon broken for the building, and Colonel Hicks's judgment was relied on almost exclusively for the details of plan and construction. He performed his duties so satisfactorily, that when there was an entire change of administration, the Democrats obtaining control of the Assembly, Colonel Hicks, in 1872, was cordially retained, and the General Assembly elected him warden and architect, a position he continued to hold for twenty-five years, the longest consecutive term on record that such a position has been filled in the United States. He discharged all of his duties with

fidelity and wisdom and was a most useful public officer. The penitentiary building is an immense structure, and the bricks of which it is built were manufactured on the spot, and all the work possible was done by the convicts under Colonel Hicks's direction. Its construction is an enduring monument of his skill and capacity. It is well designed, admirably constructed, and was built at a very small expense to the people, considering its great dimensions and the permanency of the structure. Colonel Hicks also built, under the plans of Mr. Sloan, the Philadelphia architect, the governor's mansion, and other public works at Raleigh; and he had the oversight of much other constructive work performed by the convicts, and he directed their labor within the enclosure, and to some extent supervised their work when employed on the farms and on railroad work. His connection with the penitentiary was indeed most important and of great benefit to the State, and he ever enjoyed the full confidence of the public and the esteem of all who had dealings with him. As an architect and builder it may be said that he has had no equal in North Carolina; and he was often consulted with advantage in regard to private work, and he was ever interested in promoting by all means in his power such new undertakings as would tend to the advancement of Raleigh.

The constructive work of the penitentiary being finished, eventually Colonel Hicks severed his connection with that institution and again entered upon private work, going into partnership with Mr. Ellington of Raleigh; but in 1898 he became superintendent of the Oxford Orphan Asylum. He was ever esteemed one of the best citizens of his community, having the development of the State at heart, and he was an active member of the Agricultural Society, and was interested in establishing the Raleigh Savings Bank, the first institution of that kind established at Raleigh, and for some years he was a director of it.

As superintendent of the asylum he has been as successful as in the other avocations in which he was engaged. His administration has been a period of great success, although it should be mentioned that his own good work has been effectively supple-

mented by that of a corps of conscientious teachers and others whose aid has been helpful to him. In passing it might be stated that of the several thousand children reared within the walls of the orphanage since 1872, only one is known to have been placed behind bars for a criminal act. Following the course of his predecessors, Colonel Hicks has sought to impress upon the children of the institution the honor and benefit of plain living, regular habits, fidelity to work and truthfulness, and the good effect of his precepts and his personal example cannot be fully estimated.

In his religious affiliations Colonel Hicks is a Baptist, and his walk in life has ever been consistent with his professions. He is prominent as a Mason, having taken the three Blue Lodge degrees, followed by the Scottish Rite degrees up to the thirty-second, and also being a member of the Chapter, Council and Commandery. In politics he has ever been a staunch and unwavering Democrat, has never failed to support his party and has never changed his party allegiance.

Colonel and Mrs. Hicks have had eight children born to them, of whom four are living, two sons and two daughters. One of the sons, W. B. Hicks, is living in Montgomery County, engaged in manufacturing enterprises; and the other, John M. W. Hicks, is living in New York, being treasurer of the American Tobacco Company, having recently been promoted from the trusted position of auditor for the same corporation. One of the daughters, Elizabeth W. Hicks, married Mr. W. A. Johnson, and is now living in Pittsburg, Pennsylvania; while Miss Bertha M. Hicks resides with her parents.

S. A. Ashe.

**THE NEW YORK
PUBLIC LIBRARY**

**ASTOR, LENOX AND
TILDEN FOUNDATIONS**

R

L

recognized his first duty to be to his God, and for the rest he was a faithful husband, a kind, wise, just father and a good citizen, and among his fellow-men his character was without a blot. To his country he was true, for he was a loyal Confederate soldier, serving well for the four years of the war, enlisting in Company A, commanded by Captain William S. DeVane, Sixty-first Regiment, North Carolina troops.

Though at all times obedient and respectful to paternal authority, it was under the salutary influence of his mother that the character of young Highsmith was shaped and directed for a future career of strenuous and beneficent effort. Leading a simple, homely life, far removed from the great centers of population and civilization, Mrs. Highsmith was a woman of singular force of character—broad minded, full of the charity of an unquestioning Christian faith, and gifted with that sweet optimism which “thinketh no evil,” and believes that God orders all for the best. She instilled into her son this broad, catholic view of the world and human-kind, and at the same time grounded him in the lessons of self-reliance. Rude, boisterous, wayward as is the wont of the country boy, Jacob Highsmith was of a deeply sympathetic nature, and the daily contemplation of that unostentatious Christian womanhood sank deeply into his heart—a germ for fruitage in the future. J. F. Highsmith connected himself with the Baptist Church early in life—not more than thirteen or fourteen years old—too early to have gone into a critical analysis of doctrine, to which he did not pretend; but even in the acceptance of his creed the broadening influence of his mother asserted itself. He is no straight-laced denominationalist, but, as he sees it under God, he tries to keep the faith.

Given the average opportunities and advantages of instruction in the private schools of the neighborhood and county, young Highsmith's mind early turned to the profession for which he afterward equipped himself. In truth, almost from his childhood he instinctively turned from the theoretical view of education. He wanted to learn, because in learning he could do something, accomplish something. Riding the mules to water or feeding the

stock, the thoughtful lad was communing with nature, watching its life and death, its springing up and dying down. He himself believes that the resolution was implanted in his mind to become a physician on the day when, crossing a field, he found a sheep which had been accidentally staked and disembowelled. His heart was touched and his mettle stirred to give relief. With a needle and thread he sewed up the wound, administered hot coffee and saved the sheep's life. With pardonable triumph in his first piece of surgery, he said to himself, "If there be skill in this hand and sense in this head to save this poor beast, what may I not do for humanity with hand trained and brain taught?"

His academic training completed at Old Salem and Glenwood academies in Sampson and Johnston counties, he went forward with a fixed purpose in life, took the medical course at Wake Forest, and was duly graduated from Jefferson Medical College in 1889, being then only twenty-one years of age. He has since taken full post-graduate courses in all the branches of surgery and medicine.

Dr. Highsmith, on the 14th of November, 1889, married Miss Mary Lou White of Sampson County, very soon after his graduation, and they have had seven children, all of whom are living.

He settled in Fayetteville for the practice of his profession in the year 1889, quite a young man to carve out a career in a new field, and of course with difficulties confronting him at every step. But difficulties are a tonic to men of this stamp. Strong in body and mind, he worked hard, and in the meantime his practice grew. From the very beginning of his active life as a physician and surgeon he realized the need of a hospital or sanitarium in as large a town as Fayetteville with a tributary country so extensive. Accordingly, in 1899 the Marsh-Highsmith Hospital (the partner being Dr. J. H. Marsh) was built on the corner of Green and Old streets, a handsome three-story brick building. Afterward Mrs. W. E. Cochran, a wealthy and noble-hearted Northern woman, purchased what was known as the Robinson building adjoining, which she finally deeded to the proprietors of the hospital, and in which she endowed a number of charity cots.

Dr. J. F. Highsmith is now the sole proprietor and general superintendent of the Highsmith Hospital (its present name) and the Cochran Annex. The institution, under his direction and supervision, has recently been greatly beautified and improved on the exterior and interior, with all modern appliances of lighting and heating, baths, electric call-bells, telephone service, etc., while its surgical and medical equipment is complete. Great care is given to sanitation and household service, and patients speak in high terms of the admirable system.

Perhaps Dr. Highsmith has nowhere in his life so strikingly demonstrated his ability both as a surgeon and a physician, and at the same time his high administrative capacity, as in the success which he has achieved in this hospital. Fayetteville people, and indeed those of all the surrounding country, regard it not only as a necessity, but as a veritable boon. An all-around physician, Dr. Highsmith is especially skillful in surgery and the diseases of women, and the most difficult cases of both have been successfully treated by him in his hospital. He is efficiently aided by a staff of carefully trained nurses, who are under firm but kind discipline, and who are hand and heart in their work.

Dr. Jacob Franklin Highsmith is now in his thirty-seventh year, blessed with an excellent constitution, with not only a capacity, but a love for work, and one may safely say that this strong, earnest man, much as he has already accomplished, is but just on the threshold of the broad arena of his labors for humanity. Undemonstrative, even abrupt in manner, he has warm friends on all sides, for he is himself so faithful in his friendships that he "knits his fellow-men to him with hooks of steel." Many of his traits—his self-reliance, his energy, his optimism—are the gifts of his heredity, for his is good blood, and his forbears had their share in making the history of their country. His mother's mother was a Parker of the Revolutionary Parkers, so highly spoken of in the notes of Lossing's "Field Book of the Revolution."

Dr. Highsmith is a Democrat, though in no sense of the word a politician, and his politics are but a part of what he regards as the duties of his citizenship. He has never been an aspirant for

office, and has filled no position not in line with his profession. He has been president of the Cumberland County Medical Society, and is now councillor of District No. 5, in accordance with the recent division of North Carolina by the State Medical Society.

His private life is a happy one in his handsome, comfortable home on Green Street, surrounded by his family. His wife is devoted to his interests, proud of his career, sympathetic of his ambitions and hopes and plans for the future.

Whatever ability may be lacking to the pen which has given the above modest sketch, the choice of a biographer was fortunate in at least the fact that perhaps no man in North Carolina knows Dr. Highsmith better than the writer—has studied him more and has gone deeper into his inner nature. His extraordinary energy, the closeness with which he keeps abreast of all the discoveries and achievements in surgery and medicine, and his careful oversight of all the details of his business, are noteworthy.

But the biographer would say at last that the secret of Dr. J. F. Highsmith's success—and he has been very successful—lies in his absolute devotion to his profession, his iron, unbreakable nerve in difficult operations and critical cases, and his kindly, almost womanly sympathy with his patient.

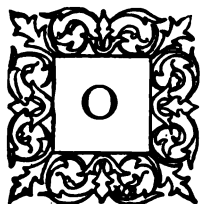
Truly, how wonderful is science! How mightily doth it move in the hands of a strong man for the alleviation of humanity! But it moves under an all-wise Creator, who guides the puny hand of man, and we say, "What hath God wrought!"

I. H. Myrover.





JOHN HINTON



F all the patriots who lived in Wake County during the Revolution, probably the most distinguished, both as a soldier and statesman, was Colonel John Hinton, who was a native of the precinct of Chowan, where his father, also named John Hinton, resided, his home being in that part of Chowan which is now Gates County.

It was about the year 1750 that John Hinton, then in the prime vigor of manhood, first came to Johnston County. The part of Johnston in which he settled was severed in 1771 and (with parts of the counties of Orange and Cumberland) erected into the county of Wake. In 1768, when the trouble with the Regulators was in its early stages, John Hinton, then a major of Johnston County troops, went to Hillsboro to confer with Governor Tryon as to the best means of quieting the disturbances. The efforts to quell the insurrection by peaceable means having failed, Tryon raised an army in the spring of 1771, and after scattering the Regulators at the battle of Alamance on May 16th, put an end to the revolt. In Tryon's army Hinton was one of the most trusted officers, being colonel of the Wake County detachment, and he behaved with distinguished bravery in the battle.

In the war of the Revolution Colonel Hinton's efforts in the cause of the colonies began early. He represented Wake County in the second independent Provincial Congress of North Carolina,

which met at New-Bern on the 3d of April, 1775. At Hillsboro, in the following August, he sat in another Congress of like character. On September 9th the Hillsboro Congress elected him colonel of the troops of Wake County and member of the Committee of Safety for the Hillsboro District, of which district Wake formed a part. In the Provincial Congress at Halifax, in April, 1776, he was once more a delegate. He was also a justice of the Court of Pleas and Quarter Sessions for Wake County.

At the battle of Moore's Creek Bridge, on February 27th, 1776, Colonel Hinton was present, and there the same courageous spirit marked his conduct as at Alamance.

The death of Colonel Hinton occurred in the spring of 1784. His wife was Grizelle Kimbrough, and by her he left many descendants. In the *South Atlantic Quarterly* (Durham, North Carolina) for April, 1902, there is an account of the life of Colonel Hinton written by Miss Mary Hilliard Hinton, one of his descendants. In that sketch will be found many interesting incidents in his life and career, an account of his family and also a list of his children. Two of his sons were Revolutionary officers.

Marshall De Lancey Haywood.





JAMES HUNTER



OLON likened the people to the sea and their orators and counsellors to the winds, for the sea would be calm and quiet if the winds did not trouble it. The illustration is none the less happy because it may be turned and viewed from another side. There would be stagnation and death in the sea were it not troubled by the winds. So there would soon be the torpidity of slavery among the people could they not be aroused to action by their orators. Eternal vigilance is, indeed, the price of liberty, and the abiding place of that liberty is in the hearts of the people. So much so, that a people fit to be free has been and always will be free. Continuing the illustration, however, as there are great tidal movements in the ocean, independent of winds or weather, so here and there in history are great popular uprisings not induced by the appeal of orators. They are caused by oppressive or disorderly government, and come not from a desire to attack, but from an impatience of suffering, as Sully said. The French Revolution and the present stir in Russia are instances. In a representative government, whether a constitutional monarchy or a republic, they have never occurred, and, from the nature of things, can never occur. The people of our own country have never been aroused to determined action unless first stirred by their orators and organized by their leaders. A

free people, conscious of their freedom, are inapt to see, and when seen, not prone to avenge by violence, a minor infringement of their collective rights, sensitive though they are to any attack upon their private rights. It is the province of orators and agitators, those sentinels upon the watch towers of liberty, to warn the people of any approach of danger. This can be most effectively done by a broad and misleading definition of their rights, an exaggerated and highly colored statement of their wrongs, and by vehement invectives against their alleged foes. In other words, the people suffer from a species of political myopia, and things and persons and events must be magnified that they may see the better. Made thus to believe that they are oppressed, they, naturally inert, are aroused to action, not from an impatience of suffering, but from a desire to attack. This was the method of Herman Husbands, the agitator and organizer; of Rednap Howell, the orator and bard; and of James Hunter, the spokesman of the Regulators.

It was not a new method. It was as old as freedom itself, and we see it exemplified in every Presidential election, even to the present day. Only the omnipresence of the law and its restraints, and the greater sensitiveness of the people to these restraints, prevent each hard-fought campaign from becoming a series of bloody riots, if not a civil war. The absence of these restraints, or their effectiveness, made the Regulator movement culminate in the Hillsboro riot and the battle of Alamance.

In these movements it is the office of the agitator and orator to stimulate action, and of the leader to organize, guide and control the strength of the people so that it may become effective in action. In this sense the Regulators had no leader. Herman Husbands, the ablest of them, was a great agitator and an excellent organizer. But there he stopped short. He lacked the bold determination and dauntless courage required of the leader of the people in such a crisis. Rednap Howell, the orator and bard of the movement, was an active, energetic, shrewd agitator. But there he stopped short. He had neither the ability of an organizer nor the courage of a leader. James Hunter was intelligent, honest

and intrepid, but in the rare qualities necessary to manage and control bodies of unruly men he was wholly deficient.

He came of excellent stock—an English family transferred to the north of Ireland after the conquest of that kingdom by Cromwell. The progenitor of the North Carolina Hunters migrated to a Northern colony, probably New Jersey, in the earlier years of the eighteenth century. Some years later he removed to Virginia. In that province James Hunter, the subject of this sketch, was born, April 8, 1740. His father bore the same name as himself, and his mother was an aunt of Alexander and James Martin. He was the eldest of nine children. His youth was spent in labor upon the farm and in attendance upon a neighboring school. He was verging upon manhood when his father removed to the western part of Orange County, North Carolina. The location is now in Rockingham County. There, among the hills of the Dan, the young fellow grew to the full stature of manhood. He married Miss MacFarland, and by her had a large family. He was among the first to become actively interested in the agitation against the county officials. The people had just grievances unquestionably, but none of them amounted to positive oppression. The police power of the State that now hedges us about on every side was scarcely felt then, and the paternal power of the State, that is now more and more asserting itself, was then a negligible quantity. The only taxes they had to pay was about \$1.75 on each poll. In the same territory we now pay \$2.87 on the poll and 92 $\frac{3}{5}$ cents on each \$100 worth of property. They paid Fanning about 80 cents for recording a deed; we pay from \$1 to \$1.50. For the probate of the same deed they paid 45 cents and we 25 to 50 cents, etc. Still, there is no doubt that things were at loose ends then and required mending.

Hunter soon became prominent in the councils of the Regulators. He went with Rednap Howell to Brunswick, and presented their celebrated petition to Governor Tryon in June, 1768. He bore himself with firmness and courage in the difficult undertaking. He presented the petition intended for Chief Justice Howard to Judge Henderson at the opening of the fateful court

at Hillsboro, September 22, 1770, and during the disgraceful scene that was enacted on the following Monday he protected the person of the judge from outrage.

He had been active in trying to bring the officials to justice, had gone to the Salisbury Superior Court in September, 1769, and had pressed upon the grand jury indictment after indictment against John Frohock, clerk of the court, only to have them ignored. He had sued Edmund Fanning in the Hillsboro Superior Court, and a jury had decided against him at the March term, 1770. So firmly convinced was he of the justice of his cause that he was sure that these miscarriages could have happened only by the corruption of the court and jury. Legal remedies, it appeared to him, had been exhausted, and he and those acting with him were justified in resorting to extra-legal redress. When his followers, then breaking beyond control, wreaked their vengeance upon obnoxious officials, he no doubt observed it all with grim satisfaction. He was among those indicted at New-Bern for his participation in the riot. He, though there, seems not to have been prominent at the battle of Alamance. Indeed, according to Caruthers, he refused to command, saying, "We are all free men and every man must command himself." After the battle, he, an outlaw with a price upon his head, made his escape, and was in hiding, probably in Western Maryland, for ten months. At the end of that time he returned home, rented out his old place, entered a piece of land adjoining that and took up his abode there. He was never formally pardoned, but events moving rapidly on to the Revolution caused him to be courted by both sides—by his old enemies, who are nearly all Whigs, and by his new friend, Governor Martin. At first he certainly inclined to the side of the latter. In 1776 he was arrested by the Whigs as a disaffected person, and in May of that year he was paroled by the Provincial Congress to Bute County. In August, however, he had returned to Guilford County, and was ordered arrested by the committee of that county. This arrest he avoided, and appeared before the Council of Safety at Salisbury, September 6, 1776, and took the oath of allegiance to the State. Thereafter he was a loyal Whig

and a useful, efficient patriot. He represented Guilford County in the House of Commons from 1778 to 1782, both inclusive, and later was sheriff and treasurer of that county. He also presided in its county courts until Rockingham County was created in 1785. He is said also to have been a major in the county militia and to have fought well at the battle of Guilford Court House against his old confrère, William Butler.

He died in 1820, in the eighty-first year of his age.

He was one of the best products of his period and environment. He was honest in intention and act, pure in his living, bold, determined and dauntless in the midst of danger, plain, direct in his thought and utterance, and as independent and free as the air that he breathed. He had much more education than the average of his associates. His position of leadership among the Regulators, far from being sought by him, seems to have been thrust upon him by them in recognition of his superior merits. He did not hold back, however, from any fear of consequences; he feared no man or set of men, but from an innate modesty based upon his thorough conviction that all men should be free and equal. It was this that prevented him from being an effective leader of the people in action.

In person he was tall, handsome and well proportioned. Says his grandson: "My first impression of him was when he was old, but even then he was a fine-looking man, fully six feet tall and erect, though he walked with a cane. The Irish brogue was distinct in his enunciation, which was earnest and at times fluent. He was a strict Presbyterian, and held prayers morning and night. His habits were temperate. His library was large and miscellaneous, and in the absence of company he was generally reading. I never saw him dressed otherwise than in black broadcloth, and his linen was always clean and fresh looking. Kindness and benevolence were striking traits of his character, as was manifested by the lamentations of the poor at his death."

So he died, honored by all, and surrounded in his peaceful home by sorrowing friends and kindred.

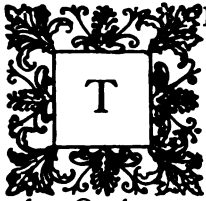
Frank Nash.



HERMAN HUSBANDS

“In fields he dare not fight where honor calls;
The very noise of war his soul doth wound.
He quakes but hearing his own trumpet sound.”

—*Dryden.*



THE grandfather of Herman Husband was one of William Penn's colonists, and his father was a Quaker in good standing to the time of his death. Herman was born October 3, 1724, probably in Cecil County, Maryland. From his birth to his young manhood he was in the midst of a Quaker environment, was subjected to a Quaker training and conformed himself to Quaker standards and ideals. There can be no doubt that he was, as soon as he was old enough to determine the matter, conscientiously an adherent of the doctrine of these religionists. For some cause, Caruthers says on account of a disagreement between him and the leaders of his church, he was disciplined and fellowship was withdrawn from him. He came to North Carolina to settle in November, 1755, bringing with him his young wife and the first born of his family. He settled first in Corbinton, now Hillsboro. Soon after, however, he obtained from Earl Granville a grant of 640 acres on Deep River. In ten years he took up in this way over 8000 acres of what is the best land in what is now Randolph County. During the same period he conveyed to others about 3000 of these acres. It

appears that he was a man of some means at his first coming to North Carolina. In 1760 he loaned one Clegg £1500, and took an absolute deed from him for 3500 acres, making at the same time a parol agreement to reconvey if the said sum was paid in fifteen years. It was paid and the reconveyance made in 1769. This indicates a confidence in his personal integrity that was justified by the event.

It is well to notice that only two of the deeds or grants made to him, and those at his first coming, November 9 and 14, 1755, were ever recorded in Orange County, though many were probated. In the deeds executed by him to others he always, with what seems ostentatious humility or assertive democracy, designates himself yeoman or farmer, while the grantee is called planter, though he did not own one-fifth as much land as he. To all his tracts of land he gave appropriate names, and seemed to know well their situation, their character and their capacity. During his residence in North Carolina he seems to have maintained a correspondence of some sort with friends in Maryland and Pennsylvania—not, however, with Benjamin Franklin, as Mr. Caruthers suggests, for Franklin was continuously out of the country, 1765-75. That he was a great admirer of Franklin goes without saying, and he was probably a reader of the *Pennsylvania Gazette*. To a reasonable certainty it may be said that he derived his political ideals to a great degree from Franklin's writings, for in style and method of treatment in his own writings he was an imitator of Franklin—but at a long distance. He was, however, in his reading not confined to the writings of this great man. It was a period filled with discussions of the rights of man. They occupied no less the attention of the penny-a-liners than of the great philosophers and thinkers of the day. Many crude and exaggerated notions of them were abroad in the world, and Husbands seems to have absorbed many of these.

It is well to get some clear idea of his character before discussing the Regulator troubles, for that character will throw much light upon his relations to that movement.

He had had Quaker antecedents through at least two genera-

tions. He had been born in a Quaker family. He had been educated and trained a Quaker in the midst of a Quaker environment. And though his relations to these religionists had been severed, he still had the Quaker habit of thought and the Quaker temperament. He was then, essentially, a product of the traditions, the customs and the religion of the Quakers. He was honest, and, in ordinary affairs, plain, direct, simple and truthful. He was no respecter of persons or of dignities. He believed an oath to be wrong, and to fight wrong. But there the influence of his religion stopped. He was not pious. He had none of the deep spirituality that characterized so many of his co-religionists, and made their faith, notwithstanding some external absurdities, so inspiring and beautiful. Transferred to the backwoods of North Carolina, he became ambitious for worldly influence and power. His ardor in pursuit of these would carry him farther than his Quaker conscience could justify. So we can see all through his record a shrinking from the responsibilities that his previous activity had thrust upon him. It was a struggle, indeed, between what in him was artificial and what was natural. This made him on several occasions seem cowardly, and when he was in danger, shuffle, dodge and lie. He had in a marked degree cunning, a sort of pitiful shrewdness that in the strong man is always contemptible. In him, however, it was more justifiable, because it was the only offensive and defensive weapon that his conscience would permit him to use. He was, besides, a genuine reformer, attacking real evils, very greatly exaggerated to his own mind, it is true, but nevertheless very tangible. In bringing rascals and thieves to account he was an advocate of a just and holy cause. Means against which men of ordinary consciences would revolt must be used if thereby the great end could be attained.

He was, in short, a man of decided mental vigor, with a limited education and range of reading, handicapped by his training, harrassed and tortured by his conscience, dealing with conditions that could be controlled only by a man of force, courage and fighting capacity. He had the art and shrewdness to create the turmoil, but he could not deal with it or make the best of it.

The Regulator movement was in its inception a protest against the loose method of levying, collecting and accounting for taxes and against the taking by public officials of greater fees than the law allowed. Husbands, already a man of great influence in his own section, was particularly active in bringing these grievances to the attention of the people, and in organizing them, so as to make their protest against them effective. The proposed meeting of twelve representatives of the people at Maddock's Mill, in Orange County, October, 1766, with the officers of the county, was Husbands' plan for accommodating disputes. It would be unprofitable to speculate as to what the result of this conference might have been. The officers, following Fanning's example and advice, did not attend. The term "judiciously" was used in the call for this meeting, and he, with what seems on the surface provoking technicality, objected to this. The truth probably was, that he realized that his defense to the charge of extortion must itself be based upon a legal technicality which could not be apprehended by the lay mind, particularly when that mind was already inflamed by opposition to, if not hatred of, him. The failure of this conference was taken by the people as a confession of guilt on the part of the officers. Although there was no movement on the surface of things during 1767, the discontent was spreading all over the county under the artful manipulation of Husbands and others. In April, 1768, he converted what was in reality an unorganized mob into an oath-bound organization that then for the first time assumed the name of Regulators. "We will pay no more taxes until we are satisfied they are agreeable to law and applied to the purposes therein mentioned" was one of the planks of their platform. A few days later, April 8, 1768, they had an opportunity to put it into effect. The sheriff levied on a horse, saddle and bridle in Hillsboro. About a hundred of them came to town, rescued the horse, tied the sheriff to a tree, terrorized the citizens, fired several shots through Fanning's house and then rode off with the rescued property. The war had begun. The Regulators were carrying out their program to pay no more taxes. Rumors flew thick and fast up and down the country. On the one

side, that the governor was to raise the Indians and massacre the inhabitants, their leaders were to be arrested, hurried off to New-Bern or Wilmington, and, without any chance to escape, were to be tried there and hanged there. On the other side, the Regulators were embodying to march upon Hillsboro to slay its inhabitants and burn the town. Every one was looking anxiously to the future, knowing not what would happen. If an officer went through the Regulator settlements he had to ride for his life, and a Regulator dare not come to town unless accompanied by so many of his neighbors that he knew he was safe from attack. The officers were in reality but a handful compared with the number of their foes. They had now, however, the law and the power of the government at their backs. The Regulators' open defiance of constituted authority had shifted the issue, and the defendants had now become the prosecutors. The certainty that the Regulators were wrong had put in the background entirely the probability that the officers were first wrong, and the cry was that these flagrant contemnors of law should be brought to justice.

Meantime where was Husbands? Quietly attending to his daily duties on his Sandy Creek plantation. He had not joined the organization, and now that the storm had broken upon the land he hoped to remain in peace far from its center. It was a vain hope, for Thomas Hart, accompanied by twenty-nine others, among whom was Edmund Fanning, on the night of May 1, 1768, made a dash out into their settlements armed with legal warrants, captured Husbands and William Butler the next day, and brought them safe to Hillsboro. The whole country was aroused by this and began to embody to rescue these leaders and prevent their removal to the East for trial.

This arrest revealed the artful cunning of Husbands in strong contrast with the dauntless courage of William Butler. Said the latter when his life was threatened, "I have but one life, and I can freely give that up for this cause, for God knows it is just." Meantime Husbands squirmed and twisted and lied and made false promises that he might be released, taking care at the same time to set a trap in the presence of witnesses for his arch enemy,

Fanning. According to Husbands's own account, Fanning fell into this trap, and made him promise, among other things, before he would release him, that he would not "show any jealousies of officers taking extortionary fees," a virtual confession on Fanning's part that he was using a public prosecution as an instrument for private oppression. No doubt Husbands at his release went off chuckling to tell his followers how he had outwitted the shrewd lawyer Fanning. The truth is, that the officers had intended to carry him and Butler to New-Bern for trial, but were prevented by the rising of the country to the rescue, and so attempted to make a virtue of a necessity by arranging bail for them and discharging them before they themselves should be overpowered by force.

Husbands's trial came on in the September Superior Court. Here, again, we see shuffling and dodging. He is uncertain at first about attending trial at all. He goes from town to the camp of the Regulators and back to town again. On Monday morning the doubt is solved for him by his being committed by the court to jail. He is uncertain whether to employ a lawyer. He does finally employ James Milner and Abner Nash, giving to the former his note for £50, and to the latter his note for £150, knowing at the time that he would never pay them and having no intention to pay them. He was acquitted, there being no evidence that he was a member of the Regulator organization or that he had aided or abetted the riot and rescue of the preceding April. His lawyers were forced to sue upon these notes. He pleaded duress, and the issue was found against him at the March term, 1770, of the same court. Executions on these judgments were returned, "sale stopped by a mob." He satisfied his own conscience by arguing that the statute provided a specific fee for attorneys and it was unlawful for them to charge more, disregarding the plain fact that the statute intended to provide fees for attorneys whose functions did not extend to an advocacy of their client's cause in court, so the compensation for these services was simply a matter of contract between the parties, although the same person was both attorney and advocate.

All this, however, but added to his influence and power among the people. When he came in contact with the foe he not only came off scathless himself, but bearing spoil with him. He was too smart for them all.

He was, with John Prior, in the summer of 1769, elected a representative in the Assembly, defeating Edmund Fanning and Thomas Lloyd. He appeared at the meeting of the Assembly in New-Bern October 23d, and was placed upon the Committee of Public Accounts. Governor Tryon, however, in a pet, which he afterward explained was caused by illness, dissolved this Assembly on November 6. March 12, 1770, a new election was held, and Herman Husbands and John Prior were again sent as representatives of Orange County. This Assembly, on account of the unhealthfulness of the season, was prorogued from time to time until December 5, 1770, when it met in New-Bern. This was after the Hillsboro riot. Husbands was expelled from the House after some time spent in the Committee of the Whole considering the matter, on December 20, because, first, he was a leader of the Regulators; second, he had published a libel on Maurice Moore; third, he had lied about this libel on his examination by the Committee on Propositions and Grievances; fourth, he had said that if he should be confined by the House, he would be released by the Regulators. Immediately upon his expulsion, Chief Justice Howard, at Governor Tryon's solicitation, issued a warrant against him for this libel, and he was imprisoned in the New-Bern jail until February 8, 1771, when he was discharged, the grand jury failing to find a bill against him. It was well that he was released, for very strenuous efforts were being made by Rednap Howell, James Hunter and others to raise the people to go down to New-Bern. These efforts were partially successful, for a large body of them were marching toward that town when stopped at Haw River by a letter of Husbands announcing his release.

In the narration we have passed by the Hillsboro riot of September, 1770. Some account of that will be found in the sketch of the life of Judge John Williams. There is no doubt that Husbands was there, but, as always when the time for action

came, keeping himself in the background, as he instigated to violence others who had no conscientious scruples against it.

He seems to have pursued the same course at Alamance. Caruthers says that though he was active in bringing the people together, his Quaker principles would not permit him to fight. When, then, the battle began, he mounted his horse and rode off. He was never captured, but after the battle was outlawed, a price put upon his head and his farms were ravaged.

He appeared no more upon the surface of public events in North Carolina. He visited the State during the Revolutionary War to look after his property interests, but returned soon to Pennsylvania. Some of his descendants, however, resided for many years in the State.

After Alamance he seems to have gone by his home, collected what cash he could, and then, passing through Virginia, took refuge in Western Maryland for some months, and later located in West Pennsylvania.

He was very active in, if not a leader of, the Whiskey Insurrection in 1794. He was on the Committee of Safety of the Insurrectionists with Bradford, Brackinridge and Gallatin. That was an armed resistance to the collection of a Federal tax on distilled spirits. It took very much the same course that the Regulator movement did in North Carolina, and had as its basis the same false conception of the rights of man—that is, that each individual citizen has the right to determine for himself the justice of a law enacted by the government under which he lives. Far from being under any obligation to obey it, he may resist it to the death and induce others to join him in the resistance—a doctrine that is essentially anarchistic. In Pennsylvania they whipped the officers, destroyed their property (just as the Regulators did in North Carolina) and drove them out of the country. Fifteen thousand men under General Harry Lee were sent by President Washington against the rebels. As he advanced, General Lee issued a proclamation in terms almost identical with that of Governor Tryon before Alamance. The Insurrectionists, however, wiser than the Regulators, acceded to the terms of the proclama-

tion, surrendered the criminals among them, promised to pay arrears of taxes and took the oath of allegiance to the United States. Many of them were subsequently tried in the Circuit Court of the United States and convicted, two capitally. Among those convicted was Herman Husbands. President Washington pardoned nearly all the convicts, and he is said to have pardoned Husbands at the solicitation of Dr. David Caldwell, Dr. Rush of Philadelphia and the senators from North Carolina, Martin and Bloodworth. Husbands, thus released from imprisonment, in 1795, died on his way home from Philadelphia.

He was married three times: first unknown; second, on July 3, 1872, to Mary Pugh, said to have been sister to James Pugh, the Regulator, who was executed at Hillsboro, June 19, 1771; third, to Amy or Emmy Allen, in 1766. The last was with him at his death.

Authorities: Husbands' book on Wheeler, p. 301 *et seq.*; Caruther's "Life of Caldwell;" VII. and VIII. Colonial Records, and the County Records at Hillsboro; Weeks's "Southern Quaker and Slavery."

Frank Nash.





JAMES INNES



THE appointment of Gabriel Johnston to be governor of North Carolina in 1733 apparently led to quite an influx of Scotchmen to the Cape Fear, which was then rapidly coming into note as a favorable location in the New World. Among those who were attracted to the little hamlet of Newton at that time was Captain James Innes, who probably had resided at Cannisbay, in Caithness, in the extreme northern part of Scotland, near "John O'Groat's house." Within a month after the arrival of Governor Johnston he issued commissions to justices to hold precinct courts, and among the justices for New Hanover Precinct was named James Innes, and in May, 1735, the governor recommended Innes for a place in his Majesty's Council, and appointed him assistant to William Smith, chief baron of the province. Captain Innes speedily became a resident of Wilmington, and was a warm friend of the governor in his various controversies with the older settlers. It appears that he had seen service in the British army, and when, in the fall of 1740, four companies of troops were raised in North Carolina for service against the Spaniards, Captain Innes was appointed to command the company raised on the Cape Fear. This battalion took an active part in the sea attack upon Boca Chico, and subsequently aided in the deadly assault upon Fort San Lazaro at Cartagena. In that disastrous campaign Captain Innes was inti-

mately associated with Lawrence Washington, the elder brother of General George Washington, and other colonial officers, and he himself won great reputation for capacity, judgment and cool conduct. This expedition ended disastrously, particularly because the troops were swept away by a malignant fever, so that probably of the 400 North Carolinians who were engaged on it, not one-fifth survived. Returning to North Carolina, Captain Innes became a successful planter, was colonel of the militia in New Hanover County, and one of Granville's agents for the sale of his land. In 1750, on the death of Eleazer Allen, he became a member of the Council, and was justly esteemed as one of the first men of the province. When the French and Indian War broke out, in 1754, the North Carolina Assembly promptly provided for raising a regiment to assist in the defense of Virginia, and Colonel Innes was appointed colonel of that force. Governor Dinwiddie, who seems to have known Colonel Innes well, addressing him as "Dear James," and conveying in his letters messages from his wife and daughters, tendered him the position of commander-in-chief of all the forces raised for defense. Colonel Innes modestly demurred, but Governor Dinwiddie replied: "Your age is nothing when you reflect on your regular method of living; and as for the expectations of the people here, I always have regard to merit, and I know yours, and you need not mind or fear any reflections." Colonel Fry had been the commander-in-chief and Lieutenant-colonel George Washington was under him, but Colonel Fry died, and Washington might have expected to succeed him. However, on being informed by Governor Dinwiddie of the appointment of Innes, Washington wrote: "I rejoice that I am likely to be happy under the command of an experienced officer and man of sense. It is what I have ardently wished for." About the last of June, 1754, the North Carolina regiment, which had been reduced to 450 rank and file, began to arrive at Winchester, where they found that no provisions had been collected for them and no ammunition supplied, and their pay was in arrears; and, moreover, the governor suggested to Colonel Innes to build a log fort and magazine, saying that he did not wish

the force to proceed toward the Ohio, and informed him, "I can give no orders for entertaining your regiment, as this Dominion will maintain none but their own forces." Indeed, Colonel Innes discovered a strong feeling among the Virginians against his appointment to the chief command, and a mutinous disposition soon developed itself among them. The unfavorable situation led Colonel Innes to disband his North Carolina regiment and order their return to North Carolina. He himself was directed to build a fort on Wills Creek, afterward called Fort Cumberland, and not being allowed to go to the front, he remained there in command of about 400 men, only forty of whom were North Carolinians. Early in October Governor Sharpe of Maryland produced a commission from the King appointing him commander-in-chief, and Innes wished to resign and retire, but was prevailed on to retain his rank and accept the appointment of camp master general; and he remained on the frontier organizing the forces and completing the fort. Governor Sharpe did nothing, and the next year General Braddock arrived from England with a large force of British regulars. When Colonel Washington found that the orders gave precedence to British officers of the same grade over colonial officers of senior commissions, he threw up his commission and retired from the service, but was prevailed on to serve as an aide on Braddock's staff. Braddock appointed Innes governor of Fort Cumberland, and left him in command there when the forces advanced toward Fort Du Quesne. When disaster overtook that brave but reckless general, and his routed forces returned as fugitives to Fort Cumberland, Colonel Dunbar, then in command, precipitately continued his frenzied flight and hurried in August to find winter quarters in Philadelphia.

The flight of the regulars disorganized the provincials, and many of Captain Brice Dobbs's North Carolina company deserted; still, there were some forty or fifty North Carolinians at the fort remaining with Colonel Innes. Colonel Dunbar left there some three or four hundred sick and wounded to be cared for. Colonel Innes had urged him to send a reconnoitring party to Great Meadows, but Colonel Dunbar could not wait. Colonel

Innes therefore despatched such a party from his weak garrison.

On the 25th of August Governor Dinwiddie wrote Colonel Innes as follows :

“Yours of the 17th of August I received by Jenkins, and copy of both yours to Colonel Dunbar. His answer to your first is very evasive. Your last to him was extremely proper and personal. . . . I shall very soon augment our forces to 1200 men, and then order as many as you think proper for your assistance. . . . I am, Dear James, yours affectionately.”

Governor Dinwiddie appointed Washington to the command of the new levies, and a month later Colonel Innes returned to North Carolina on leave of absence. But on the 10th of October Governor Dinwiddie advised Governor Dobbs that the French and Indians had surrounded Fort Cumberland, had killed and scalped nearly one hundred of the people and had cut off the communication between the fort and the inhabitants. “I wish for Colonel Innes’s return.” Without a day’s delay Colonel Innes hurried again to Fort Cumberland and remained there until the following summer, when, new dispositions being made and the immediate frontier being quiet, he returned to North Carolina, and eventually retired from the service. As a competent, vigilant and efficient officer, faithfully discharging trying duties, he lost no reputation amid all the difficulties of the unfavorable circumstances by which he was surrounded. He died at his home near Wilmington on September 5, 1759.

In his will Colonel Innes gave his plantation, Point Pleasant, a considerable personal estate, his library and £100 sterling “for the use of a free school for the benefit of the youth of North Carolina,” this being the first private bequest for educational purposes in the history of our people. He also made provision for the purchase of a church bell for the parish church at Cannisbay, in Caithnesse, and directed that £100 should be put at interest for the poor of that parish.

In 1761 Colonel Innes’s widow, Jane, married Francis Corbin, who had come in 1744 to North Carolina as the agent of Lord Granville.

S. A. Ashe.



JAMES IREDELL



AMONG the bevy of illustrious characters who were evolved by the heroic times of the Revolutionary period in North Carolina was James Iredell, distinguished more particularly as a jurist, a writer and a statesman. He was born in the town of Lewes, Sussex County, England, on the 5th of October, 1751, but came to North Carolina when but seventeen years of age. He was a son of Francis Iredell and Margaret McCulloh, and through his mother was nearly related to Henry McCulloh, who was the kinsman of Governor Gabriel Johnston, and who, about the time of Johnston's appointment, was himself appointed comptroller of the King's rents in the province of Carolina, and obtained grants for nearly 1,000,000 acres of land for settlement in the province.

His father having been overtaken by misfortune, in February, 1768, through the influence of a kinsman, Sir George McCartney, young Iredell was appointed controller of the customs at Edenton, and in the latter part of the year arrived in that town. Although so young, he had been well trained, and had the elements of a fine manhood in his composition, and he soon won the friendly interest of the gentlemen of Edenton.

Indeed, even at that early age his friends regarded him with admiration. In view of his anticipated departure from England, a learned minister wrote to him: "The eyes of great numbers are

very anxiously fixed upon you. You have given your relations and friends reason to expect great things from you. God hath blessed you with excellent abilities, which you have worthily improved. I know your intellectual endowment, and the proficiency you have made in useful knowledge." His kinsman, Henry Eustice McCulloh, who had inherited the large McCulloh grants in North Carolina, and was well acquainted at Edenton, had apparently arranged for young Iredell to be directed in his studies by Mr. Samuel Johnston, and he was at once introduced into Edenton society under the most favorable circumstances. Although he remitted a large part of his salary for the support of his parents, he retained a competency for his maintenance while he studied law under Mr. Johnston and fitted himself for a professional career. He began the practice of the law in December, 1770, and at the same time became deeply interested in the public questions that were agitating the minds of the colonists. In 1773 he married Hannah Johnston, the younger sister of Mr. Samuel Johnston, and thus became still more intimately associated with that great man and with Joseph Hewes, who himself was about to be married to Miss Isabella Johnston, and, after her sudden death, continued on the footing of a member of that family; and this triumvirate brought to the consideration of public affairs an intelligence and a patriotism not excelled elsewhere in the province. The writings of Mr. Iredell even at that early time are remarkable for their strength, boldness and vigor.

Although Hooper was then thirty-two years of age and Iredell but twenty-two, in April, 1774, Hooper himself, so able and distinguished, wrote to Iredell: "I am happy, my 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 the wisdom to distinguish and too much virtue to flatter. Whilst I was active in contest, you forged the weapons which were to give success to the cause I supported. . . . 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 on the ruins of Great Britain." This letter

indicates the trend of thought at that early day and the esteem in which Iredell was held by his associates.

When the laws of the State were to be revised in 1776, Iredell was appointed by the Provincial Congress one of the commissioners to perform that important service, and it is said that the Court Law of 1777 was prepared by him. When the courts were organized in December, 1777, he was one of the three judges then elected, and he served on the bench for one term, when, because the salary was insufficient, he felt constrained to resign and resume his practice.

In January 1779, the Assembly desired his services as a delegate to the Continental Congress, but his want of means again compelled him to decline this employment; but on the resignation of Waightstill Avery, the attorney-general, in July, 1779, he accepted the appointment of attorney-general of the State, and he continued in that office until the end of the war in 1782.

When, at the May term, 1787, the question arose as to the validity of a clause in the Confiscation Acts directing the courts to dismiss certain cases, and the court questioned the constitutionality of that act, Judge Iredell took strong ground that "an act of Assembly inconsistent with the Constitution is void, and cannot be obeyed without disobeying the superior law;" and he upheld the court in its determination not to observe the legislative enactment. In like manner, when on the Supreme Court bench, he again declared "that if any act of Congress or of the legislature of the State violates those Constitutional provisions, it is unquestionably void." It would seem that no man understood better than he the system of government that had arisen in the New World on the ruins of the colonial governments. In 1787 Judge Iredell was appointed a member of the Council and sole commissioner to revise and compile the acts of the General Assembly of North Carolina. This task was ably executed, and his work became known as "Iredell's Revisal."

Judge Iredell warmly espoused the cause of a Federal Union of the States, and when the Constitution was framed in 1787 he became one of the foremost advocates of its adoption. In January,

1788, he published an admirable answer to the objections made by George Mason to that instrument. This pamphlet of thirty pages antedated all but the earliest papers of *The Federalist*, and it is not surpassed by any of the productions of Hamilton or Madison.

Being a member of the constitutional convention which met at Hillsboro on July 21, 1788, he forcibly urged the ratification of the Constitution, and, indeed, was a leader in that work, the burden of the argument falling upon his shoulders. "He defended, he removed objection, he persuaded, he appealed to interest and awakened into life the spark of national pride." But his efforts were in vain; still, his vigor and the extent and variety of his attainments excited the admiration of his adversaries, and although he made few converts to his cause, he gained so many friends for himself that at the next session of the legislature, when Rowan County was divided, the new county was named in his honor, Iredell. Further to advance the cause, Judge Iredell and General Davie arranged for the publication of the debates in the convention, and posterity is indebted to these two eminent men for this publication, which involved them in pecuniary loss. Defeated on this occasion, Judge Iredell redoubled his efforts to secure the ratification of the Constitution, and a year later had the satisfaction of seeing North Carolina brought again into the Union of the States. His reputation had become so widely extended that before this event it had been suggested to him that the President designed to appoint him a member of the Supreme Court of the United States, and if North Carolina should not come into the Union, he might remove to Virginia, so that the appointment could be made; and on February 10, 1790, he was appointed to that high office and unanimously confirmed by the Senate. He had no superior on that bench during the time of his service, and the writer of this sketch believes that if his life had been spared, he would have occupied that position among the jurists of America which has been ascribed to Chief Justice Marshall, to whom he was in no sense inferior. As a judge, his fame rests chiefly on his dissenting opinion in *Chisolm v. the State of Georgia*, in which

he held the opinion that the jurisdiction of the Federal court did not extend to a suit by an individual against a sovereign State. As a majority of the court did not agree with him in that view, the Constitution was immediately amended to the effect that the judicial power of the United States shall not be construed to extend to such a suit, thus establishing Judge Iredell's view as the fundamental law of the land. The constitutional principles laid down by him in this opinion eventually became the doctrine of those who maintained the rights of the State and antagonized consolidation.

In the summer of 1799 his honorable life was nearly spent. The severe labors of the circuit had undermined his constitution and his health gave way. He was unable to attend the August term of the court, and, slowly failing, at last died at Edenton on the 20th of October, 1799, at the age of forty-nine years, and when at the zenith of his glorious and useful career.

The marriage of Judge Iredell was particularly happy, and his private life was beautiful. His correspondence has been published by his biographer, Mr. Griffith J. McRee, and it is the most valuable contribution to the history of the State that has yet been published, unless we except the Colonial and State Records.

S. A. Ashe.



THE NEW YORK
PUBLIC LIBRARY
ASTOR LENOX AND
TILDEN FOUNDATIONS
L

His dissenting opinion in the case where the State of Georgia was sued by an individual contained the basic principles on which was founded the Republican Party, which controlled the United States from 1800 until the election of Harrison in 1840, and it was by reason of the observance of the Constitutional principles announced by him that the Union was maintained during the early period of its existence before the idea of nationalism became incorporated into the life of the people. His son, James Iredell, governor of the State, entered public life as a member of the House of Commons in 1813, and continued a representative in that body until 1819, serving a few months during that year as Superior Court judge, and then returning to the House, where he remained until 1827, when he became governor of the State, and then from 1828 to 1831 he represented the State in the United States Senate. He was a man of the finest abilities, had graduated with the first distinction at Princeton, and was remarkable for his scholarly attainments. By many he was rated as superior to his father. In the Senate he was so highly appreciated that when it became desirable to present the Southern view of the great political questions in 1830, it was designated by his associates that he should engage in the debate with Mr. Webster, but as he unfortunately was prevented from doing that, Senator Hayne of South Carolina took his place in that debate.

He married Frances Lenox Tredwell, a descendant of John Alden and Priscilla Mullins of the Plymouth Rock colony, and their daughter, Frances Lenox Iredell, married Dr. Charles Earl Johnson and became the mother of the subject of this sketch.

Dr. Johnson was himself of distinguished lineage. His ancestor, Charles Johnson, it is said, was originally a member of the great Johnston family of the south of Scotland, of which the Earl Annandale was the head and of which Governor Gabriel Johnston was a member. When but a youth he followed the unfortunate Charles Edward, and after the battle of Culloden escaped to the Continent, and out of precaution dropped the "t" from his name. He subsequently returned to Scotland, and then spent

some years in London in the service of the East India Company. Later he removed to the Albemarle section, where he married a daughter of Rev. Daniel Earl. Mr. Earl in 1759 had succeeded Rev. Clement Hall as the pastor at Edenton, where he continued to officiate until 1778, and at Bandon, fifteen miles above Edenton, established a school in which was taught Latin and Greek and the higher mathematics. He also established the first large seine fishery at the point now known as Avoca, and introduced into the Albemarle section that industry which afterward became so important.

Mr. Johnson was a man of ability and lofty patriotism, and was held in high esteem by the gentlemen of the Albemarle region. In his political action he affiliated with Samuel Johnston, Judge Iredell and Allen Jones and their friends. He represented Chowan County in the State Senate from 1781 to 1784 and from 1788 to 1792, and was speaker of the Senate in 1789 at the same time when Governor Johnston presided over the constitutional convention, and he himself was a zealous advocate of the ratification of the Constitution of the United States. He was representative in the Congress of the United States in 1801 and 1802, but died before the expiration of his term. By his marriage with Miss Earl he had one son, Charles Earl Johnson, who himself represented his county in the Senate from 1817 to 1820, but did not seek a political career. He was a planter, and was distinguished for his virtues and the elegant culture of his household. He married Frances Taylor, a daughter of Major Francis Taylor, who had married Miss Person, a niece of General Thomas Person of Granville County; and from this union there sprang Dr. Charles E. Johnson of Raleigh.

Dr. Johnson was born to affluence and to a high social position. Gifted with a robust constitution and rare mental endowments, he was from his early years a fine student. He was a graduate of the University of Virginia, and before he had attained the age of twenty-one he had graduated in medicine at the University of Pennsylvania. At first he returned to Bertie, his native county, where he practiced until about 1840, when he moved to Raleigh.

Shortly after he located at the State capital an epidemic of fever occurred, and Dr. Johnson gained a great reputation for his successful treatment, and as years passed, his reputation in his profession became so extended that he was commonly esteemed as being at the very head of his profession. On the establishment of the North Carolina Insane Asylum, of which he was a zealous advocate, exerting his whole influence to secure the passage of the measure through the General Assembly, he was appointed the first chairman of the Board of Directors of that institution, and he performed his responsible duties to the eminent satisfaction of the State. His reputation as a physician grew as the years passed, and he had repeated offers to remove to New York and associate himself with the famous medical men in the metropolis. Indeed, on one occasion the celebrated Dr. Sayer sent his own son to Raleigh to be treated by Dr. Johnson.

When the war broke out, the Medical Corps of the North Carolina troops was organized by the appointment of Dr. Johnson as the surgeon-general of the State. He immediately went on duty, selecting and recommending surgeons and assistant surgeons for each regiment as it was organized, and was zealously active in obtaining supplies of medicines and surgical instruments. He established and equipped the first North Carolina Hospital in Petersburg, which was opened for patients in October, 1861, under the charge of Surgeon P. E. Hines; and early in 1862 he organized and opened the second North Carolina Hospital in Petersburg, with Surgeon W. C. Warren in charge. Also in the spring of that year he established a North Carolina Hospital in Richmond, with Surgeon O. F. Manson in charge, and he established wayside hospitals at Weldon, Goldsboro, Tarboro, Raleigh, Salisbury and Charlotte. While surgeon-general, Dr. Johnson, with a corps of assistants, visited every battlefield in Virginia, taking with him medicines and supplies of every kind for the sick and wounded soldiers. He was devoted to the care, the relief and welfare of the soldiers during his term of office, and his arrangements for their comfort, care and convenience were an example which other States hastened to follow. In September, 1862, North Carolina

having turned over all of her troops to the Confederate Government, transferred her hospitals in Virginia and North Carolina also to the Confederate States. After the hospitals had passed from under his control, Dr. Johnson felt so largely relieved of the duties and responsibilities of his position as surgeon-general that he retired, and upon his resignation was succeeded by Surgeon Edward Warren.

Of Dr. Johnson it is to be said that as a man and citizen he was of the highest excellence. In intelligence, learning and capacity he was no less superior than in character, and no man was more highly esteemed for noble qualities and for social virtues. In particular was he remarkable for his benevolence, and even after his fortune had been impaired by the disasters of the war, his charities were limited only by his means. He was a communicant of the Episcopal Church and constant in his attendance on its services, and he was one of the most devoted churchmen of the diocese. Illustrious as he was in descent, by his distinguished career and walk in life he gave to his family an additional title to popular regard.

His son, the subject of this sketch, was in youth strong and robust and fond of outdoor life and manly sports. He was taught at Lovejoy's celebrated academy at Raleigh, and also by Rev. Dr. R. S. Mason, and he studied both secular and church history under the direction of his father. Circumstances prevented him from receiving a collegiate education, and on reaching his seventeenth year he entered as a clerk in the dry goods store of W. H. & R. S. Tucker, with whom he remained until he was well instructed in business and entirely qualified to enter upon a career of his own.

In 1874 and 1875 he was assistant secretary of the Senate, and at that time he was studying law with the purpose of engaging in the practice of that profession; but his father dying in March, 1876, he was constrained to abandon hopes of a professional career and enter upon some gainful occupation. He turned his attention to cotton, which at that time was the most important staple article in the trade of Raleigh, and he soon became an expert in that business. For one year he was a member of the firm of

Lee, Whitaker & Johnson, but in September, 1877, he began business on his own account under the firm name of C. E. Johnson & Company, but having no partner.

At that time the cotton marketed at Raleigh was sold at Norfolk, Baltimore and New York for export. There were but few cotton factories in North Carolina, and the export trade was through houses doing business at the ports. Mr. Johnson was one of the first to see the advantage of direct foreign trade on through bills of lading from initial points of shipment in the interior. He was instrumental in inducing the railroad companies to issue their bills of lading direct from interior points to points of delivery in Great Britain and on the Continent, and he was the first man in this section to inaugurate that business. Having arranged the details with the railroad companies, he went to Europe and spent four months in making desirable connections with the best importing houses and in perfecting the arrangements he had in view. He soon saw the necessity for establishing compresses in the interior, and he caused a compress to be erected in Raleigh, which was one of the very first erected at any interior point in the South, and as his business grew, in addition to the compress operated by him at Raleigh he operated a much larger one in Hamlet. Subsequently mills began to be erected in North Carolina, and the marvelous era of cotton manufacturing set in in this State, and Mr. Johnson was largely engaged in supplying the local demand of the home mills, but in addition he has handled for export as much as 150,000 bales per annum. Owing to the rapid growth of the milling interests during the past few years, nearly all of the staple raised in Middle North Carolina, South Carolina and Georgia is required for the home supply, and relatively the export business has decreased, but he, through his agents, is still doing a large business in procuring cotton throughout the adjoining States, not merely supplying in parts the mills, but also continuing his export business.

The advantage of the new methods he was instrumental in introducing has been largely shared by the planters. It has brought about a reduction in the cost of handling cotton between

the producer and the consumer to such an extent that whereas formerly the planter received only about 2 cents per pound less than the price of delivery at the foreign mills, he now receives the foreign price less only about $\frac{1}{2}$ cent per pound, an increase benefit to the planter of about $1\frac{1}{2}$ cents per pound on his entire crop.

While a man of large business interests, and much interested in the prosperity of the people and of the city, Mr. Johnson has never sought political preferment. Always a zealous supporter of the Democratic Party, he has nevertheless had an independent judgment as to men and measures, and has applied the touchstone of utility and fitness when considering either candidates or policies. He takes a comprehensive view of public matters, and no one more quickly sees through the arts of a demagogue or the inaptness of any demagogical scheme advanced to catch the ear of the unwary.

Mr. Johnson has always been active in church work, and for twenty years has been the treasurer of the diocese of North Carolina, and during that time has generally attended every diocesan convention, and has otherwise given a practical manifestation of his zeal and devotion. Before the establishment of Rex Hospital at the old mansion of Governor Manly, St. John's Hospital was opened in that building, and Mr. Johnson was one of the committee having charge of the work, and contributed largely to the success of that deserving charity. Later it was discontinued when the Rex Hospital was opened. Mr. Johnson has always been prominent in promoting every enterprise that would be of advantage to the city, and at the centennial celebration in 1892 he was active, and participated earnestly in making that celebration one of the most glorious events in the life of the city. For many years, until the change in the management of the Seaboard Air Line Railway, he was a leading director in that company, and was influential in the management. With others, in 1898 he established the Mechanics' and Dimes Savings Bank, of which he has been the only president, and for many years he has been the vice-president of the National Bank of Raleigh, and he

is president of the Raleigh Ice Company, and also president of the Hamlet Ice Company, which was established for the purpose of furnishing ice for the refrigerator cars coming from the extreme South. In some seasons as many as one hundred cars with peaches alone are furnished with ice per day; and he is president of the Chesterfield Land and Lumber Company, which owns more than 25,000 acres of timber lands in South Carolina, and he is director in various other companies in which he is interested. His business as a cotton exporter and manufacturer and as a banker occupies him closely, and his success in every field in which he has operated is itself an assurance of his high capacity and fine business qualifications. But it is not only as a business man that he excels. His walk in life has won for him the entire esteem of all who know him. No one thrown in contact with him can fail to appreciate the thorough excellence of his character, and he enjoys the confidence and respect of the community in an enviable degree.

When Governor Glenn was making up his staff, he invited Mr. Johnson to become his aide de camp, and he now serves in that capacity with the rank of colonel. This, however, is not the full extent of Colonel Johnson's military career. About the close of the war, when he was only fourteen years of age, when General Joe Johnston was marshalling his forces to contend with the great army of General Sherman, the subject of this sketch, animated by the spirit of his Revolutionary sires, enrolled himself as a private in the ranks of the Confederate army and went out to do battle for his country. The war, however, soon ended, and his military career was closed without any protracted experience.

Mr. Johnson has travelled much, and has been abroad, and has availed himself of his opportunities to become acquainted with matters of interest in Great Britain and on the Continent, and he has been broadened by his large experience. Always interested in history, he has naturally found pleasure in the history of his own State, in which his forefathers were such conspicuous actors. He has inherited a large collection of manuscript letters, many written in colonial days when this country was a part of the British Kingdom and before the rise of Republican institutions; and for

years he has been enriching his collection by constant additions, with the purpose of eventually depositing it with the State as a memorial of the past.

On the 7th of December, 1876, Mr. Johnson was happily married to Miss Mary Ellis Wilson of Charlotte, a daughter of Joseph Harvey Wilson, for many years one of the foremost members of the Charlotte bar, and a gentleman honored and esteemed not merely for his high intellectual endowments, but for the fine qualities that adorned his character.

S. A. Ashe.





JOHN LAWSON



Our American States have been more fortunate than the Carolinas in their earliest historians. Jacques Le Moyne came out with the French Huguenot colony in 1562 to Fort Carolina, and painted the South Carolina Indians as he found them, in their fresh, vigorous life, uncontaminated and undegenerated by contact with white men. John White came with Sir Walter Raleigh's colony of 1585-86 to Roanoke Island, and there painted a series of pictures of the North Carolina Indians which has become the basis of all descriptive works dealing with the Indians south of the Chesapeake, just as Le Moyne's drawings serve for those of the Gulf coast. In the same way Hariot, the companion of White, gave us an extended and accurate account of the natural features of North Carolina at the time of the first incoming of the English. What Hariot and White did at the end of the sixteenth century, Lawson did for the same region and in the same way at the beginning of the eighteenth. It is from White and Hariot and Lawson that our knowledge of the natural features of early North Carolina and its inhabitants is drawn.

John Lawson, traveller and explorer, surveyor, historian and humorist, was an Englishman who signs himself "gentleman." He probably belonged to the Lawsons of Brough Hall, in Yorkshire. Some accounts say he was born in Scotland, but we know

nothing of his early life save what he tells us in the introduction to his history. He was still a young man in 1700, when "My intention at that time being to travel, I accidentally met with a gentleman who had been abroad, and was very well acquainted with the ways of living in both Indies; of whom, having made inquiries concerning them, he assured me that Carolina was the best country I could go to, and that there then lay a ship in the Thames in which I might have my passage. I laid hold on this opportunity, and was not long on board before we fell down the river, and sailed to Cowes. . . . On the 1st day of May, having a fair wind at east, we put to sea, . . . till the end of July, when the winds hung so much southerly that we could not get to our port, but put into Sandy Hook Bay, and went up to New York. . . . After a fortnight's stay here we put out from Sandy Hook, and in fourteen days after arrived at Charleston, the metropolis of South Carolina."

Thus begins Lawson's connection with the Carolinas. He remained in Charleston till December 28, 1700, and then set out on "a thousand miles travel" through the Indian country toward North Carolina. His party consisted of six Englishmen and four Indians. They ascended the Santee, discharged their Indians, employed another as guide and pack carrier and struck inland, wandering in zigzag fashion toward the north, paddling up rivers or wading across them, pushing over highlands and morasses, among savages, serpents and wild beasts. A large part of the journey was made along the great Indian trail known to the Virginia traders as the Occaneechi or Catawba path. Lawson struck this trail about where it crossed the Catawba River, not far from the boundary of North and South Carolina. He probably followed it to the modern Hillsboro. In fact, the North Carolina Railroad from Hillsboro, through Greenboro, Salisbury and Charlotte to the South Carolina line is laid out almost exactly along the line of the trail. Large parts of this region were perhaps now visited by white men for the first time. Lawson left the trail at Hillsboro, turned to the southeast and followed the western bank of the Neuse until he crossed to the northern bank at the falls, near the

modern railroad crossing at Wake Forest. He continued down the Neuse, probably passed near the site of Goldsboro, then turned north, crossed the Contentnea near Grifton and the Tar at Greenville and thence to the English settlements on "Pampticough River, in North Carolina, where, being well received by the inhabitants, and pleased with the goodness of the country, we all resolved to continue" (Monday, February 24, 1701).

Such was the introduction of John Lawson to North Carolina. That this young man, fresh from the culture of the Old World, was a boon to the province there can be no doubt. He was doubly useful because of his knowledge of surveying, and was probably soon made a deputy surveyor, for on April 28, 1708, he became surveyor-general. This office demanded skill, courage, energy, integrity and some measure of learning; it conferred a high social rank, brought him into contact with the leading men in the province and was the best possible preparation for his account of the natural resources of the country.

We know little of his history apart from his official capacity, but man can have in reality little history except as he touches the careers of his fellows. All history, all biography, is made up of social phenomena, and when man becomes a hermit he ceases to interest his fellows. Lawson was one of the incorporators of Bath in 1705, and as such was interested in the public library which Dr. Bray had sent over to the village about 1701. He seems to have kept out of the troubles known as the Cary Rebellion, and went on at least one visit to England. In 1709, while in England, he was appointed the associate of Edward Moseley in surveying the boundary between North Carolina and Virginia. Nothing was done on this matter before 1710, and then because of disputes over latitude, the Virginians wishing to come too far south, little was accomplished. While in England, Lawson became interested in De Graffenried's Palatines, and was appointed a director of the colony. He returned with the first ships that brought Palatines to North Carolina, arriving about April, 1711, and set to work to locate them on Neuse River. This was perhaps his last important work.

His death followed hard on the location of the Palatines. This new settlement meant more land for the whites, who had been steadily encroaching on the Indians for years. The latter had seen game diminish, and found themselves driven further from the coast as the whites spread fan-shaped into the interior. Lawson's work as a surveyor brought him into constant contact with the Indians and caused him to incur their hatred. They mistook him for the cause, while he was only an agent, in despoiling them of their lands. The coming of the surveyor meant to the Indian the nearer approach of the whites. These were now distracted and broken by internal dissensions, and in September, 1711, the Tuscaroras broke out into open war.

Early in that month Lawson, De Graffenried and a few servants set out from New-Bern to see how far the Neuse was navigable, to explore the upper country and to see if a new road could be made that way to Virginia. They fell in with a war party of Tuscaroras and were taken to King Hencock's town of Catechna (on Contentnea Creek, near the present Snow Hill, Greene County). De Graffenried tells us that it was at first determined to set them at liberty, but that Lawson got into a quarrel with a Coree and they were then sentenced to death. The Indians had mistaken De Graffenried for Governor Hyde, and he, by threats and promises and by shifting all blame on Lawson, was spared, but Lawson was put to death. The method we are not sure of, but Gale says it was in a way described in Lawson's own history: "Others keep their enemies' teeth which are taken in war, whilst others split the pitch pine into splinters and stick them into the prisoner's body yet alive. Thus they light them, which burn like so many torches; and in this manner they make him dance round a great fire, every one buffeting and deriding him till he expires, when every one strives to get a bone or some relic of this unfortunate captive."

The day after Lawson's death De Graffenried was informed that the Indians would go to war with the whites, and that the people on the Pamlico, Neuse and Trent rivers and on Core Sound were the particular objects of their enmity. As this war broke out

September 22, 1711, we may take the 20th as about the date of Lawson's death. His will, dated August 12, 1708, is on file in Raleigh. He there speaks of Bath County as his home and Hannah Smith as his wife; he gives her the house and lands then occupied by them and one-third of the personal property. He had a daughter named Isabella and two or three other children. The record of his descendants has been lost.

Such was the unfortunate end of one of the earliest North Carolina historians. His historical and descriptive work was possibly compiled for John Stevens's "Collections of Voyages and Travels," which was begun in 1708 and finished in 1710-11. The second of the series, printed in 1709, is Lawson's "New Voyage to Carolina." It appeared in 1711 as a part of the edition of Stevens published that year, and with the same title-page. In 1714 and 1718 it was republished under the title "The History of Carolina (London)." There was a German edition in 1712, "Alleneuster Beschreibung der Provintz Carolina (Hamburg)," and another in 1722. These were doubtless issued to encourage immigration, and perhaps in the interests of De Graffenried's Palatine colony. The 1714 edition was reprinted in Raleigh in 1860, and again at Charlotte in 1903 by Colonel F. A. Olds. Both of the North Carolina reprints are very poorly done.

The volume recounts the travels and observations of the author: "I shall now proceed to relate my journey through the country from this settlement [South Carolina] to the other, and then treat of the natural history of Carolina, with other remarkable circumstances which I have met with during my eight years' abode in that country." Lawson had had some scientific training; no man of his day had superior or perhaps even equal opportunities to learn the country, and no one had a more accurate or extensive knowledge than he. There is little in the volume on personal, civil or political matters. It is not a history of the early settlers; it is divided into three nearly equal parts: (1) A journal of a thousand miles travel; (2) a description of North Carolina; and (3) an account of the Indians of North Carolina. It doubtless

partakes of the nature of what we would now call a boom publication, but is a valuable picture of the resources and natural features of the country. His book is the one contemporary authority for that period. He came constantly into contact with the Indians and had abundant opportunities for studying their life and customs. These he has faithfully portrayed. His account of the interviews and intrigues of his party with the Indians whom they met on the thousand miles journey is picturesque and amusing, and his observations on the Indians themselves are acute and trustworthy. He has left us vocabularies of the Tuscarora, Pamticough and Woccon Indians, and gives us all our knowledge of the last mentioned tribe. There is also in his observations at times a keen satire. His natural history is perhaps more at fault. He describes the country with its rivers and natural scenery, but Dr. Curtis has shown that his accounts of the flora of the country are overdrawn. He gives us minute descriptions of beasts, birds and fishes, but shows from his classification that he was frequently dealing with unknown forms.

In 1737 Dr. John Brickell published his "Natural History of North Carolina." Sparks says that this book is "an almost exact verbal transcript of Lawson's history, without acknowledgment on the part of the author or even a hint that it is not original. Periods and paragraphs are transposed, parts are occasionally omitted and words and sentences are here and there interpolated; but as a whole a more daring piece of plagiarism was never executed." And Field says it "is such a mutilated, interpolated and unscrupulous appropriation of the unfortunate John Lawson's work of the same sub-title that the transcription is scarcely more than a parody."

But these statements do a grave injustice to Brickell. He tells us that his work is a "compendious collection." He took the work of Lawson, reworked it in his own fashion, extended or curtailed and brought it down to his own time. His work is more than twice as large as that of Lawson's; his professional training is everywhere patent, and there is much in it relating to the social condition of the colony. Brickell's work is fuller, more systematic

and more like the work of a professional student; Lawson's seems more like that of a traveller and observer.

This sketch is based on the material found in Lawson's work, in the Colonial Records of North Carolina and on the sketch of Lawson in my "Libraries and Literature in North Carolina in the Eighteenth Century," where the original authorities will be found in detail.

Stephen B. Weeks.





WILLIAM LENOIR



HE county of Lenoir in the East and the town of Lenoir in the West appropriately commemorate the name of a patriot, in war and in peace, whose virtues his contemporaries most highly appreciated.

William Lenoir was born on the 20th of May, 1751, in Brunswick County, Virginia, being the youngest of ten children. He was of Huguenotic parentage. When about eight years of age his father located near Tarboro, and soon afterward died. Bereft of his father's care, his educational advantages were very limited; but gifted with natural intelligence, and animated by a spirit to excel, he acquired through his personal exertions a fair education. When about twenty years of age he was fortunately married to Ann Ballard of Halifax County, a lady of very superior character.

When the troubles with the mother country began, in 1774, young Lenoir fervently espoused the cause of the people, and joined the association that was formed in the summer of 1774 in Edgecombe County, and ever afterward was distinguished by his patriotism. In March, 1775, notwithstanding the depredations of the Indians across the mountains, being resolved to remove to the rich lands of the Yadkin Valley, he located near the Mulberry Field Meeting House, in Surry County, which afterward became the town of Wilkesboro, and in the vicinity of which was Fort Defiance.

In the same county were Martin Armstrong, Joseph Williams, William Hall, Joseph Winston and Robert Lanier. Benjamin Cleveland, however, was probably the foremost citizen.

Almost immediately after his location in Surry, young Lenoir was engaged in defending that frontier settlement, and in 1776 he accompanied General Rutherford in his expedition against the Cherokees, and from that time onward he was almost constantly engaged in suppressing the Tories, who were numerous in Surry and parts of Rowan County.

When Ferguson, in October, 1780, penetrated into the western part of Rowan County, and the patriots on the frontier embodied to drive him back, William Lenoir served as captain under Colonel Benjamin Cleveland, but in the final movement he and his company officers, obtaining horses, volunteered as privates, and proceeded by a forced march with the mounted men to bring Ferguson to bay. In the battle that ensued on King's Mountain, where they found the British forces, Captain Lenoir was wounded in the arm and also in the side, and a third ball passed through his hair. And in February, 1781, he was with Colonel Lee in the affair with Colonel Pyles near Haw River, where he had his horse shot under him and his sword was broken in a hand-and-hand encounter. He then raised a company and sought to join General Greene previous to the battle of Guilford, but did not reach General Greene's camp in time to participate in that battle. Indeed, throughout the entire war he was an active and zealous and efficient supporter of the cause of Independence. As patriotic as the men of the frontier section were, General Lenoir himself has left a record of the equal patriotism of the women. In describing them he has said: "It was their heroic conduct that inspired their husbands and sons in the cause of liberty. They urged the men to leave home and to prefer to die rather than be slaves."

After the war General Lenoir continued in the military service of the State, and for eighteen years was major-general of the militia.

In a civil capacity General Lenoir also discharged many high and responsible duties. Appointed a justice of the peace by the

convention that framed the State constitution, he continued as such for sixty-two years, his service in that capacity being without question the longest in the annals of this country. He also filled at different periods the office of register, surveyor, chairman of the county court and clerk of the Superior Court for the county of Wilkes. He served many years in both branches of the State legislature, and the last five years of his service in the Senate he was speaker of that body. He was president of the Council of State and was a member of the convention of 1788 that rejected the Federal Constitution, and of 1789 that adopted it. In both these conventions he took an active and distinguished part, insisting strenuously on the necessity of requiring certain amendments to the Constitution to guard and protect the rights of the State. He was one of the original trustees of the University of North Carolina, and for two years was president of the Board, being the first citizen to hold that eminent position. In private life General Lenoir was as distinguished for his moral worth and generous hospitality as in public life he was esteemed for his unbending integrity, firmness, patriotism and intelligence. No one surpassed him in kindly disposition and in deeds of charity. Successful in his efforts to provide a competency for his family, by his will he made liberal provisions for the poor of his neighborhood. Indeed, no man in the State of North Carolina was more highly esteemed for his virtues and worth and high character than General Lenoir. To him was accorded not merely length of days, but almost uninterrupted health, and it is narrated that at the age of eighty-eight years he rode on horseback fifty miles to attend the Superior Court of Ashe County, crossing the Blue Ridge, and also attended the court of his own county, a distance of twenty-four miles from his residence.

Dying on the 6th of May, 1839, his remains were interred in his family burying ground, which occupies the spot where Fort Defiance was erected during the Revolutionary War.

S. A. Ashe.

years. This doubtless has been the foundation of his remarkable success in a sphere where many others have failed. Though slight in frame and delicate in appearance as a boy, he had stamina, and the manual labor of his farm life tended to strengthen his constitution. Of his proficiency as a workman in those early days he was very proud, and he still finds pleasure in recalling that he split 800 rails the last day he used a maul.

Joshua Lindley with his family moved from Chatham to New Garden, in Guilford County, in 1851, and continued there the nursery business.

Close application to his occupations left him little opportunity for study, and one year at the New Garden School completed the limited college course for which he had leisure, outside of the lessons in pomology and horticulture learned in farm and garden. Toward these pursuits both natural and inherited tendency led him, and he threw himself into them with all the ardor and earnestness which have been his characteristics through life. Soon after arriving at manhood the war between the States broke out, and Lincoln's call for troops forced every Southern man to make decision as to the side with which his sympathies lay. Mr. Lindley chose to espouse the Northern cause, and although of Quaker parentage, both father and mother being members of the Society of Friends, he fought bravely for three years as a private in the regular cavalry of Missouri, in the Federal army.

Returning at the close of the war to his old home, he was received with open arms and unchanged affections by those old friends who had stood loyally to their State in the struggle.

His father had remained at home, and was, like every other Southern planter at this period, much impoverished, and his son found him owing \$5000, indebtedness incurred during the war.

In 1866, soon after the war, New Garden Nursery, known as Joshua Lindley & Son, was re-established, and so well did the undertaking prosper, that in ten years, his object being accomplished, and his father's estate cleared of debt, Mr. John V. Lindley was in a condition to begin life for himself, and was in future able to devote his energies to the building up of his own fortune.

When a young man he had travelled widely in the Western States and visited many parts of the Union, seeking the locality in which a poor man might best make his home and fortune, and had returned to North Carolina convinced that here was the best place possible for that purpose.

In 1877 he began business as sole proprietor of the Pomona Nursery, without other capital than the stock of good credit which comes from a long continued course of care, promptness and honorable dealing; and this good credit proved most useful when, two years later, unexpected opposition rose, and a combination was formed against him, to meet which it was necessary to increase his funds and enlarge his business. He borrowed money without difficulty, and at the end of the year wound up with a larger trade and a heavier balance in his favor than ever. He did more; not only had he met the opposition and won the victory, but he had met the enemy and won them as friends. Since their establishment, nearly forty years ago, the Pomona Nurseries have steadily grown, and have developed into the leading nurseries and cut-flower business of the State and of the South, giving employment to a multitude of salesmen and nurserymen and bringing to their owner a fine income and an ever-increasing capital.

But it is not only as a successful horticulturist that Mr. Lindley is known and respected; he is also one of the most public spirited of men, and is in the forefront wherever zeal and intelligent energy are needed or a leader required in efforts to further the interests of State or county.

At the close of the war his affiliations were with the Republican Party, then the dominant power in the Union, glorying in the fact that through its policy the war had been begun, carried on and brought to a successful close. But the moment the ballot was placed in the hands of negroes Mr. Lindley withdrew from that party and ranged himself with the whites of the State, and has continued a Democrat ever since, joining heartily with his neighbors in every plan for the betterment of the country.

He was one of the prime movers in organizing the Central Carolina Fair Association, was its first president, remaining so

until the fair, which has proved so great a factor in the industrial development of Greensboro and the vicinity, was established on a secure and permanent basis.

Mr. Lindley has ever been a leader in all educational movements, whether promoted by his own church organization, by other sectarian bodies or by the public at large. For the last twenty years he has been a trustee of Guilford College, and has contributed handsomely toward assisting in relieving that institution of a large indebtedness, and then also was one of the largest contributors toward a permanent endowment fund.

Some ten or twelve years ago Mr. Lindley built, at his own expense, a commodious public school building in his neighborhood for the benefit of the residents of that section, and some two or three years ago contributed \$1000 for the erection of public schools throughout Guilford County, which was the beginning of a concerted movement for excellent public schools, in which Guilford County now takes the lead.

Mr. Lindley has shown an equal zeal and interest in the promotion of good roads, and, with the co-operation of the members of the Guilford County Road Association, of which he was president, and of other public spirited citizens, he urged successfully upon the people of the county the appropriation of \$300,000 for the improvement of their roads. Besides these enterprises for the public good, Mr. Lindley's name is connected with many and varied interests which have aided materially in the prosperity of Greensboro and that part of the State. Mr. Lindley is president of the Underwriters' Fire Insurance Company, Greensboro, and of the Security Life and Annuity Company of Greensboro, and is president of the J. Van Lindley Nursery Company, of the J. Van Lindley Orchard Company of Southern Pines and of the Pomona Terra Cotta Company, and vice-president of the City National Bank, Greensboro, North Carolina, and of the State Horticultural Association. He is a director of the Southern Loan and Trust Company, of the Vanstory Clothing Company, Gate City Furniture Company, Greensboro Table and Mantel Company, Odell Hardware Company, Southern Stock Mutual Fire Insurance Com-

pany, Mount Airy Granite Company, Home Fire Insurance Company, Southern Underwriters' Fire Insurance Company and of the Pomona Cotton Mill Company.

Of all the enterprises which Mr. Lindley has undertaken and carried to success for the upbuilding of the State, he is proudest of the organization and successful development of the Security Life and Annuity Company, the pioneer legal reserve life insurance company in North Carolina. He feels that the success of this home company has given an impetus to the establishment and growth of safe legal reserve life insurance companies in this State and the South. These companies will keep at home millions of dollars that are now going North for life insurance. This he regards as one of the greatest needs in the development of his own State and of the South.

In 1889 Mr. A. M. Smith of New York came to Guilford County and interested Mr. Lindley in a terra-cotta plant, which was established and operated under the management of Mr. Smith at a loss for one year. Mr. Lindley, with his usual foresight and good business judgment, prompted by inherent ambition to succeed in whatever he undertook, bought the plant in 1890 and equipped it with the best machinery that could be purchased. In three years he had made such a gratifying success of it that he doubled the capacity of the plant and began the manufacture of sewer pipes, drain tiles, fire brick and chimney flues. The Pomona Terra Cotta Works now have a capacity of one hundred and sixteen cars per month, and cannot supply the demand.

Mr. Lindley is one of the Executive Committee of the North Carolina Agricultural Society, and is stockholder in many other industrial organizations.

He is thus interested in many enterprises of importance, and his name is identified with every undertaking that conduces in any way to the growth in prosperity and in the material and intellectual advancement of the community in which he lives.

Yet among his multifarious interests, first in his heart are ever the nurseries. At Pomona, 900 acres in one block are devoted to trees and young plants, and there are eleven greenhouses for

flowers; also 350 acres in nursery at Kernersville, North Carolina, a branch nursery started in the spring of 1904, while at Southern Pines and at other points he has large orchards. Still he finds time to attend national and local meetings of horticulturists and pomologists, and he has been prominent in making the fight against the diseases that threaten the gardens.

Withal, he is quiet and unassuming, prompt and careful; indeed, he attributes his success in life to his careful attention to every detail of his varied business, and he finds great gratification in the fact that he has been able to promote the progress and welfare of that section of the country in which he lives as well as the State at large.

George A. Grimsley.





WILLIAM LITTLE

WILLIAM LITTLE, His Majesty's chief justice for the colony of North Carolina, was born at Marshfield, Massachusetts, on the 27th of February, 1692. He was a son of Isaac Little, born 1646, who resided at Marshfield, and whose father, Thomas Little, was living in Plymouth, Massachusetts, as early as 1630. The wife of Thomas Little was Anne Warren, daughter of Richard Warren, one of the *Mayflower* passengers.

William Little was given every educational advantage, both at home and abroad. He graduated from Harvard College in the class of 1710. Soon thereafter, when only nineteen years of age, his first marriage took place, and he was left a widower without children at the age of twenty. Not long after this he spent some time in Ireland, and there became a convert to the Church of England, being baptized and confirmed by the Bishop of Cork. From Ireland he went to England, and engaged in study at the University of Cambridge. In England he formed the acquaintance of the old Yorkshire family of Gale (into which he was destined to marry at a later date), and he came to North Carolina at the suggestion of Chief Justice Christopher Gale, who was then on a visit to England. For an account of Gale, the reader is referred to a sketch in the first volume of this work.

Mr. Little made his home in the town of Edenton after he came

to North Carolina. On the 2d of April, 1724, he took the oath of office as attorney-general of the colony. This was during the first administration of Governor George Burrington. Shortly after this Burrington was removed from office, chiefly through the efforts of Gale; and while Gale was absent in England, Thomas Boyd acted as attorney-general in the place of Little. When Sir Richard Everard appeared in North Carolina as successor to Governor Burrington, he brought with him a new commission as attorney-general for Little, who accordingly resumed his duties. Mr. Little also became receiver-general of the colony on the 19th of July, 1726, and held the two offices jointly. On the 21st of February, 1728, Governor Everard appointed Christopher Gale, William Little, John Lovick and Edward Moseley to run the boundary between North Carolina and Virginia. In his "History of the Dividing Line," Colonel William Byrd of Westover (one of the Virginia commissioners) speaks of the chaplain of the party going to Edenton, and observes: "He was accompany'd thither by Mr. Little, one of the Carolina commissioners, who, to shew his regard for the Church, offer'd to treat Him on the Road with a Fricasee of Rum. . . . Most of the Rum they get in this country comes from New England, and is so bad and unwholesome that it is not improperly call'd 'Kill Devil.'"

In the politics of his day Mr. Little seems to have been quite favorably disposed toward the Stuart family, and was said to be "notoriously disaffected to the illustrious house of Hanover." Burrington, on the other hand, was a close connection of Major Charles Burrington, whom English historians mention as the first person of any consideration who adhered to William of Orange when that prince invaded England. Notwithstanding this difference in politics, and notwithstanding the fact that they had not been on good terms formerly, Burrington, when royal governor, on his quarrel with Chief Justice Smith, appointed Mr. Little to the office of chief justice of the province, and the latter was sworn in as such on the 18th of October, 1732.

During his term as chief justice, Mr. Little was involved in many of the fierce disputes of that day, which originated in politi-

cal animosities, and on one occasion was imprisoned by the Assembly for contempt expressed in a reply to some charges preferred against him by that body. On hearing of this occurrence Governor Burrington released the chief justice and roundly abused the Assembly for its action.

Chief Justice Little married his second wife, Penelope Gale, daughter of Chief Justice Gale, in 1726. By her he had three children, as follows: Penelope, who married Robert Baker; William, who removed to the Cheraw district in South Carolina and died before the Revolution in 1766; he married first Miss Kimbrough and second Catherine Stuart; George, who married Mary Anne Person, daughter of William Person, and sister of the Revolutionary patriot, General Thomas Person.

George Little, the last-named son of Chief Justice Little, was born in 1731, and resided in Hertford County, formerly part of his native county of Chowan. In the Revolution he was major of the Hertford County militia, justice of the Court of Pleas and Quarter Sessions, member of committee to procure arms and ammunition for the Continental army, etc. He left a son, William Person Little, a wealthy planter and State senator, from whose country seat, Littleton, the town of Littleton, in Halifax County, takes its name. This gentleman married Anne Hawkins (daughter of the Revolutionary patriot, Colonel Philemon Hawkins, Jr.), and left, among other children, the late Colonel George Little of Raleigh, who was an aide de camp to Governor Vance during the war between the States.

Marshall De Lancey Haywood.

THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX AND
TILDEN FOUNDATIONS
R L

nature, which has added zest to the struggle and victory which has been his portion in life. At the age when he should have been in school, the call of his country and State was strong and irresistible, and he left the plow in its furrow and took up the defense of her honor and glory. He had worked upon the farm until he entered the army in May, 1862; hence his educational advantages were limited to such only as could be had in the country public schools, often called the old field schools. And yet Mr. Long, surmounting every obstacle, has educated himself in the school of life. With an inquiring and comprehensive mind, original and receptive, he has acquainted himself with the history of events of the past and the lives of great men who have made them possible; has kept pace with the developments of his day, and has trained his mind for usefulness in whatsoever field his endeavors should lead him. His judgment is almost unerring, and his counsel has been sought by those who were perplexed in private and public life. Verily, he has educated himself, not under the drill of the pedant, in the language that is dead, but by solving the problems one by one as they came to him in life, by constant and unremitting toil and effort, and by making all things, whatsoever were useful, true, noble and good, a part of his life and character.

He was a soldier of the Confederacy, and saw hard service, entering the army in May, 1862. He participated in the battles of Seven Pines and Sharpsburg with great credit to himself. At Plymouth his conduct on the skirmish line attracted the favorable commendation of officers and men. He was at Petersburg when it was attacked by Butler; was at Bermuda Hundreds, and was taken prisoner on the 25th of March, 1865, at Fort Steadman, in front of Petersburg, and imprisoned at Point Lookout until July, 1865. In 1863 he was made orderly sergeant of Company H, Twenty-fourth Regiment, North Carolina troops. He was a brave soldier, loyal, fearless and strong in his patriotic devotion to the cause for which he fought; he was indifferent to danger, cool, resolute and reserved—the type of men so characteristic of the armies of Lee and Jackson, and which gave to them their great

glory of achievement. Just two weeks before his return to his home from the army his life was saddened by the death of his father. Again taking up the task of making a living for himself and others dependent upon him, he was called upon as well to assist in the rehabilitation of his county and the State, and to act a part in a drama sometimes even more trying than the dangers of the battlefield, demanding supreme self-denial and moral courage of the highest type. The Southern soldier, returning, found fields uncultivated and the family circle broken, with ruin everywhere. In the dark days which followed hard upon the heels of war, few men did more than Mr. Long to help his fellowmen, to aid the unfortunate, to restore peace and prosperity to the State and lift the veil of uncertainty, doubt and distress which overshadowed the land.

He is to-day, and always has been, in politics, a Democrat, with an abiding faith in the principles of his party; unchanged and unchanging, he has held fast to the convictions of his early days. In his section of the State, the party has found in him a safe leader, conservative, discreet and cautious, but courageous and enterprising. Though true to the principles of his party, his charity and respect for the opinions of others who differed with him have made him greatly esteemed by the public generally. In 1885 he was elected to the House of Representatives from his county, and in 1889 he was elected to the Senate, representing the district composed of the counties of Caswell, Orange, Durham and Person. In 1901 he was again elected to the Senate, representing the district composed of Person and Granville, and was re-elected in 1905 to represent the same district. In his public life he has ever been conspicuous for moral courage and integrity, which prompted him to do his duty as he saw it, regardless of self. In 1885 he succeeded in passing a stock law for the county of Person, which was bitterly opposed by many of his constituents, but has since become acceptable to all the county. He was recognized in the Senate as one of the State's best business men, and one of the safest and most conservative of that body. Consequently, in 1901 he was made chairman of the Committee on

Banks, one of the most important committees of the Senate, and in 1905 was made chairman of the Committee on Finance. In 1901 he voted against conviction of the judges of the Supreme Court who were impeached and tried before the bar of the Senate, although it was sought to make the impeachment a party measure. As a member of the General Assembly, he was courteous, deferential and quiet, but firm and decided. He was unostentatious and not obtrusive, yet he was aggressive when necessary, and always showed the courage of his convictions when occasion demanded. By his gentle, kind manner he won many friends among his fellow-members, who are bound to him by ties of friendship which are close and sure. Mr. Long felt that his party was wrong in adopting the free silver platform, and sided with that wing of the Democratic Party known as Gold Democrats, but he did not allow this issue to shake in the slightest degree his political faith or lessen his zeal for his party.

For many years Mr. Long has been one of the most prominent laymen in the Methodist Episcopal Church of the State. His Christian character and splendid business judgment have made him much in demand in the councils of his church, and he has been honored with many positions of trust and confidence. He is a trustee of the Methodist Orphanage at Raleigh, which position he has held for some years. He is also a trustee of Trinity College, and has been recently elected chairman of the Board of Trustees of Greensboro Female College.

He has always been a zealous promoter of every enterprise which tended toward the development of his county and the section of State in which he lives. In 1889 Roxboro had no railroad facilities. It was thought by many that there was an understanding between the Richmond and Danville and Seaboard railroads to the effect that neither should build in this territory, as its business must come to the one or the other. The larger cities and towns in this section were drawing a large country trade from the county of Person, and it did not seem desirable to them that a railroad should be built through this territory. The securing of the Lynchburg and Durham Railroad through the county was one of the

most signal triumphs in the life of Mr. Long. He felt that duty called him to this work. Being combatted at every turn, and thwarted by railroad tactics in plans seemingly well laid, his efforts were finally rewarded, through the co-operation of friends, by the building of the Lynchburg and Durham Railroad, now a part of the Norfolk and Western Railroad. During a great portion of the time Mr. Long was fighting single-handed the difficulties in the way of this railroad. He had determined that there should be a railroad through the county, and by the help of others he succeeded, and but for his untiring efforts and tenacity of purpose, together with the assistance of other prominent men of his section, the road would never have been built. He was a director in the road until it was sold to the Norfolk and Western Railroad.

He is one of the trustees of the "Terrell School Fund" of Person County. About the year 1898 Dr. William Terrell, a resident of Person County, died leaving by his will \$55,000 to the common school fund of the county, the interest only to be used. The management of this fund was committed to the hands of trustees, and the court appointed Mr. J. S. Bradsher and Mr. Long, and gave to them the management of this fund. There was also a provision in the will of Dr. Terrell for the building of a schoolhouse for each white district in the county, all of which have been built, and are now known as the "Terrell Schoolhouses."

He was first married in October, 1867, to Miss Mary E. Winstead, who died in May, 1882. She was the daughter of Meldron Winstead, and niece of Colonel C. S. Winstead and Colonel J. M. Winstead. In May, 1883, he was again married, to Miss Laura Thompson, daughter of Sydney Thompson of Leasburg, North Carolina, and niece of Hon. Jacob Thompson, who was a member of Buchanan's Cabinet. By his first marriage there were three children, two of whom died, and by his second marriage there were four children, two of whom are now living.

The success of Mr. Long has been characteristic of the man—sure, gradual, steady and certain. From early childhood he was ambitious to succeed as a business man, and he has done so to a most eminent degree, building up large interests and accumulating

quite a fortune. He has never failed in any enterprise which was under his control. He is at the head of one of the oldest and most extensive business houses of his section, having been engaged in the mercantile business and farming since 1865. He is the owner of large city property and farming lands. He has manufactured tobacco for many years successfully, is a dealer in leaf tobacco, and is also owner of large interests in flouring mills, planing mills and saw mills. He is president of the Roxboro Cotton Mills and of the People's Bank of Roxboro. His largest interest, however, is in farming lands, to which he devotes a great portion of his time.

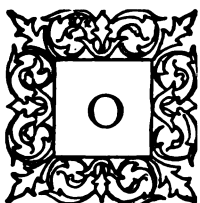
He is a model of that class of men who, alike in war and in peace, in adversity and victory, have been the same loyal, brave, patriotic citizens, true to every trust, neither elated by success nor discouraged by disaster, who have guided the State through the breakers of war and the rocks of reconstruction into the haven of prosperity and happiness, and who have preserved its virtue, honor and renown without stain or tarnish.

Charles M. Stedman.





FREDERICK WILLIAM VON MARSHALL



ONE of the most able men in North Carolina in the latter part of the eighteenth century was Frederick William von Marshall. He was born in Stolpen, Saxony, February 5, 1721, where his father, Baron George Rudolph von Marshall of Herrn Grosserstaedt was commandant. With his three brothers, Frederick William received a strict military education, his parents wishing him to enter the army or fill some office at the Court of the King of Saxony.

During his college days, however, he became acquainted with the *Unitas Fratrum*, or Moravian Church, which he joined about 1739, becoming one of its most useful members. For some twenty-two years he labored in the German and English congregations, taking an active part in negotiations with the English Parliament and in other affairs, where to his natural talent for leadership was added experience in organization and in executing large plans.

In 1750 he married Hedwig Elizabeth von Schweinitz, and in 1761 came to Pennsylvania on important official matters connected with the Moravian congregation at Bethlehem. In 1764 and 1765 he was in North Carolina, being present when the site for Salem was chosen, and after a visit to Germany, he returned to Salem in 1768, empowered to take charge of all the financial affairs of the new town. From then to the close of the century his was the leading spirit in the settlement, which under his care grew and

prospered, until at his death the little cluster of houses in the forest had developed into a thriving town, known throughout North Carolina and the adjoining States for the thrift, integrity and varied industries of its people.

This was a greater tribute to the keen insight, good judgment, wise aggressiveness and far-sighted designs of Marshall than at first appears, for the period included the Revolutionary War with all its attendant trials and paralysis of commercial enterprise. He was not in Salem during the earlier years of the war, having gone to Germany on a business trip and being unable to return, and when he reached Wachovia in 1779 he learned that an act had been passed by the North Carolina legislature of 1777 confiscating all lands held by aliens, and the Moravians were in great danger of being dispossessed of their 100,000 acres. Fortunately, Marshall was able to prove to the satisfaction of the State authorities that James Hutton of London had held the title only "in trust for the Unitas Fratrum," and that during his stay in Europe the title had been transferred to him. As he was a naturalized citizen of the State, the legislature thereupon, by a special act, confirmed his title to Wachovia, also "in trust" for his church, and the Moravians were left in peaceable possession.

Throughout Wachovia his influence was everywhere felt, but Salem particularly profited by his care. At that time all land in and around the town belonged to the church and was leased to individuals, which gave the "administrator" power to admit or exclude settlers as he chose. Under Marshall's guidance industrious, earnest people gathered there. These people brought with them numerous trades, which made the town self-supporting; under Marshall's direction the town became the chief trading point of the country for miles around. Elsewhere in the New World education was lightly considered, and schools for girls were of the poorest quality; during Marshall's régime the schools in Salem were so well conducted that non-residents wished their children to share the advantages, and Salem Academy and College was begun. When the congregation needed a new meeting hall, Marshall planned and built an edifice which suffices for the large congre-

gation of the present day, a striking instance of the accuracy with which he forecast the needs of the future.

Not to all men is it given to see the fulfillment of the dreams of their early manhood, but Marshall, at the ripe age of eighty-one, had only to look about him to see what his hand had wrought, his influence had achieved; and his death, February 11, 1802, was mourned far beyond the bounds of his own denomination. He was laid to rest February 14th, in the Salem "God's Acre," among the brethren for whom he had labored for forty years.

Adelaide L. Fries.





JOSEPH MARTIN

TO consider the relations of the American people to the Indians is to study greed for land on one hand, with hostility, revenge and treachery on the other. While many deplore the heartlessness of the whites in their grasping progress, all do not realize that such is the course of empire. The purpose of this sketch is to tell the story of one who stood in the breach between advancing English and retreating American and sought to secure for the latter some show of consideration and justice.

Joseph Martin, adventurer and pioneer, frontiersman and soldier, Indian diplomat and Indian agent, administrator and legislator, was the third son of Joseph Martin of Albemarle County, Virginia. The earliest known representative of this family was William Martin, a merchant of Bristol, England. His son Joseph settled in Albemarle County, Virginia, and his son, Joseph Martin, the second of the name and subject of this sketch, was born in 1740. While a boy, General Martin developed a character suggested by the frontier. He had few school advantages, and was apprenticed to a carpenter; but he had heard the call of the wild, and with Thomas Sumter, later General Sumter of South Carolina, ran away from home and made his way to Fort Pitt. In 1762 he married Sarah Lucas and settled in Orange County, Virginia. He engaged in trading for peltry. Six or eight months

of the year were spent on the extreme frontier among the Indians. This work helped Martin find himself. It developed the natural instincts of the pioneer and explorer, which until then had struggled in vain for recognition. He was to be a contributor to the advance of English civilization across the Alleghanies. This began with his attempted settlement of Powell's Valley, now in Lee County, Virginia, and Claiborne and Hancock counties, Tennessee. He went out in 1769 with some five or six adventurers and made a stand on the Kentucky road, some twenty miles north of Cumberland Gap, and since known as Martin's Station. Corn was planted, but the Cherokees came along, war ensued, the post was abandoned, and for the time the advance guard of civilization was checked.

Martin then returned to the farm for a few years. In 1773 he removed to what is now Henry County, Virginia. In 1774 the Shawnee War broke out, and he was commissioned a captain of Pittsylvania militia on August 25, 1774, by Lord Dunmore. During the fall of that year he was engaged in scouting in Culbertson's bottom, on New River, in Southwest Virginia.

Martin's first connection with North Carolina seems to have been through the Transylvania Company. In December, 1774, he had determined to reoccupy the station which he had settled in Powell's Valley in 1769. He set out on Christmas day, and arrived in the valley early in January, 1775, with sixteen or eighteen men. Soon after this, by the treaty signed by the Cherokees at Sycamore Shoals, March 17, 1775, the whole of Powell's Valley passed under the control of Richard Henderson & Company of North Carolina as a part of their Transylvania purchase. To secure Martin's services they granted him land, made him their attorney and entry taker of the Powell's Valley division of their purchase. Henderson, like others before him, tried to limit the settlements to certain sections, and, like them, failed. He also suggested to Martin local self-government and an Assembly for his settlement, but the Cherokees went on the warpath again in 1776, and the settlers were forced to return.

Martin was made a captain of Pittsylvania County militia by

the Virginia Safety Committee on October 9, 1775, and with the outbreak of the Revolution his real career began. It was a part of the British plan to incite the Cherokees to hostility against the Americans. While one British army defeated them on the seacoast another was to land in West Florida, move northward through the Creek and Chickasaw country into the Cherokee nation, gather recruits from all these Indians and so crush the colonies between two millstones. The first attack was made in the summer of 1776; but the plans of the Indians were betrayed by Nancy Ward, probably through the influence of Martin, and they were defeated at the battle of the Long Island Flats of Holston River, July 20, 1776. There was then a general movement against the Cherokees by Virginia, North Carolina and South Carolina. Martin commanded a company under Colonel William Christian of Virginia; Rutherford commanded the North Carolina contingent and Williamson that of South Carolina. The campaigns of 1776 temporarily broke the power of the Cherokees, but it was deemed prudent to keep troops among them. Martin and his company remained on the frontier, at first at Rye Cove on Clinch River, then at Fort Lee, just above the mouth of Big Limestone, on the frontiers of Washington County, Tennessee. On July 20, 1777, a treaty was held with the Cherokees at the Long Island of Holston by Virginia and North Carolina. They ceded lands; they agreed also to expel the British agent and to receive agents from the States. On November 3, 1777, Martin was commissioned by Governor Henry as agent and superintendent of Cherokee Indian affairs for Virginia. He was to reside within the nation, attend to the affairs of the State with the savages, endeavor to maintain peace, to counteract the wiles of British agents and make reports. He took up his residence at the Long Island of Holston, within the limits of North Carolina, and built a stone house there to receive government supplies; for the next few years he resided at the island and discharged his duties, and on February 17, 1779, became major of a battalion of volunteers raised to attack those Cherokees who still adhered to British interests.

It was during this period that Martin rendered what was per-

haps his most valuable service to the American colonies. His office and duties kept him among the Indians, and made him a mediator between white men and red. He was to see that each observed the terms of the treaty of the Long Island of Holston. This was a delicate duty, for the westward moving wave of settlement cared to recognize the rights of the Indian only so long as it suited its purpose. He had also to counteract the influence of the British agents who had been expelled by the treaty, but had taken refuge with the more hostile elements of the Cherokees, who followed Dragon Canoe. Martin ran a constant risk of assassination, and took his life in his hand when he went into the nation. But he had been adopted into the tribe, and had a powerful ally and friend in Nancy Ward, a woman of high rank, marked ability and great influence. As we have seen, it was the purpose of the British to crush the American colonies between an eastern and a western army. It was on the frontiersmen, also, that Washington was to depend did the worst come; but it was difficult to draw troops from the western settlements for the regular army, for the reason that their departure left the frontiers exposed to the savages. This was the situation in the summer and fall of 1780. The American cause had then met numerous defeats. Charleston had been captured. Gates's army had been destroyed at Camden and Ferguson's march into North Carolina meant the overrunning and conquest of the State. This was a critical moment for the States. Had Martin failed at this time in his diplomacy with the Cherokees, had he failed to keep them quiet in September, 1780, the overmountain men could not have gathered for their attack on Ferguson at King's Mountain, where a telling blow was delivered and the vanguard of the British army hurled back from North Carolina soil.

This battle broke the power of the Tories in North Carolina, and so undermined that of the savages, but they were anxious to make a further trial of strength. Martin succeeded in keeping the Cherokees quiet till the King's Mountain campaign was over, but could restrain them no longer. They treated with the British, and promised war on all Carolina and Virginia. It was necessary

to carry on a campaign against them from Washington County, Virginia, in December, 1780. Martin joined the expedition with an independent command of some 300 mounted men from Sullivan County, North Carolina (now Tennessee). They killed and captured a number, destroyed eleven principal towns and many supplies. In March, 1781, Martin became lieutenant-colonel of the militia of Washington County, North Carolina (Tennessee), and on February 26, 1781, was appointed by General Greene to treat with the Cherokees on boundaries, on an exchange of prisoners and on the terms of peace. He was appointed by Virginia on January 13, 1783, to treat with the Cherokees, Creeks and Chickasaws for peace, and on May 17, 1783, was commissioned by North Carolina as Indian agent, or agent and superintendent of Indian affairs, among the Cherokees and Chickamaugas, the latter being a southern band representing the worst elements of the Cherokees, many of them being outlaws and horse thieves. He was present as a representative of both States at a treaty with the Chickamaugas at the Long Island of Holston, July 9, 1783, and made a treaty with the Chickasaws in November of the same year. These treaties usually meant a further cession of land to the whites.

In 1783, under orders from Virginia, he settled Powell's Valley for the third time, and his settlement was now permanent. In the same year we find him making a private venture in Georgia.

In 1785 was signed the treaty of Hopewell. No action of Martin's life brought down on him more condemnation than this. It is the old story of encroachments by the whites, for a North Carolina law of 1783 opened for settlement lands to which the Indian title had not been extinguished. The treaty of Hopewell, signed at Hopewell, on Keowee River, November 28, 1785, marks a new era in the relations of the Cherokee nation with the whites. Hitherto they had dealt with the individual States; now they were to deal with the nation. The commissioners of the Confederation were Benjamin Hawkins, Lachlan McIntosh, Andrew Pickens and Joseph Martin. The object of the treaty was to define the claims of the Indians and whites respectively and so prevent encroachments of the former. Martin was also a commissioner

for North Carolina (Col. Rec., Vol. XVII., pp. 516, 517), but does not seem to have served in that capacity. William Blount was present as agent for North Carolina, and agents for Georgia were also present. The treaty was mainly the work of Martin. The chief question was that of boundaries. The Indians drafted a map showing their claims. They were induced to give up Transylvania, to leave out the settlements in the Cumberland section and also those on French Broad and Holston. The boundaries thus fixed were the most favorable it was possible to obtain without regard to previous purchases and pretended purchases made by private individuals and others. They yielded an extensive territory to the United States, but, on the other hand, the commissioners conceded to them a considerable extent of territory that had been purchased by private individuals, though by methods of more than doubtful legality. The commissioners agreed to remove some families from the Indian lands, but they did not agree to remove those between French Broad and Holston. This angered the Indians, who said that they had never sold those lands. The whites were angry because some favors had been shown the Indians and because there had not been a still further curtailment of their territory, and the States were angry because the commissioners had encroached on the reserved rights of the States, and efforts were made in Congress to destroy the treaty (Col. Rec., Vol. XVII., pp. 578, 579; Vols. XVIII., pp. 49, 591, 592; Vol. XX., p. 762). Encroachments continued; orders were issued by North Carolina and by the Continental Congress that settlers leave the Indian lands. They were even threatened with the army; but treaties, threats and proclamations were alike in vain. The terms of the treaty were never fully executed. Martin also signed a treaty with the Choctaws at Hopewell on January 3, 1786, and with the Chickasaws on January 10.

Another interesting incident in the life of this pioneer is his relation to the State of Franklin. In 1784 the division and hostility between North Carolina proper and that part of her territory west of the mountains had become acute. The east was slow to provide for the defense of the west and to pay for the same. The

courts were not sufficient. The west complained. In April, 1784, this territory was ceded by North Carolina to the Confederation. The settlers, thrown off, as they felt, by North Carolina, and not yet received into the Confederation, set up for themselves, beginning with a convention in Jonesboro, in August, 1784. A little later they formally declared their independence of North Carolina and organized a government. Martin was a member of the first convention, but opposed the scheme for a separate government. When this action of the west became known in North Carolina, its Assembly repealed the act of cession, established a Superior Court for the four Tennessee counties, appointed an assistant judge and attorney-general, formed them into a military district and made John Sevier a brigadier-general. This prompt redressing of grievances satisfied the more conservative; but the more radical organized a separate government, and elected Sevier as governor. Then followed four years of riots and contentions, discord and discontent little short of actual civil war. There were rival governments and rival officers, one set adhering to the old State and the other to the new. Martin had been satisfied by the action taken by North Carolina, and counselled a return to the allegiance of that State. He stood out as a leading supporter of the old State; on December 13, 1787, he was elected by the North Carolina Assembly as brigadier-general of the militia of Washington District (Col. Rec., Vol. XX., p. 225). This put him at the head of the forces of the State in the west and brought him into armed opposition to the Franklin authorities, but he used this power with such prudence and wisdom that actual hostilities were avoided, and the State of Franklin died a natural death in 1788. But in July, 1788, Governor Johnston ordered Martin to arrest Sevier for treason, for encroachment on Indian lands, etc. This tended to revive the still smoldering flames, but with the farce at Morganton which followed Sevier's arrest the matter dropped.

During all this time Martin was Indian agent for North Carolina, and for the greater part for Virginia as well. His position was a trying one. He stood between the Indians who claimed the soil and the constantly rising tide of white men who were seeking

new homes in the west. The agent had to meet also the machinations of the Spaniards, who had emissaries among the Cherokees, Creeks and Chickasaws, and were constantly inciting them to hostilities.

Early in 1788 the Cherokees became restless. They made attacks in Davidson, Sumner and Hawkins counties and killed people on the Kentucky road. On June 20, 1788, Congress made Martin its agent for six months among the Cherokees. He was to investigate their grievances and report. In August he was given a similar position for the Chickasaws. But troubles continued, and it was found best during the summer of 1788 to make an expedition against the Chickamauga band of Cherokees. Some 800 men were called out; the Indians were pursued and their lands devastated. They retreated to Lookout Mountain and attacked the troops in the defile; the latter became panic stricken and fled. Martin planned another campaign at once, but suspended operations under orders from the secretary of war. The North Carolina Assembly of 1789, after much haggling and delay, paid the expenses of the expedition. At Martin's request, a committee of the Assembly was appointed on November 7, 1789, to investigate the affairs of the expedition and to look into various charges that had been brought against him. The committee included William R. Davie and William Blount, and the report was made by the latter. Certain communications by Martin to McGillivray, the Creek chief, had been twisted by his enemies into treason. The report said that in sending McGillivray the resolutions of Congress Martin only did his duty, and as for other charges, that "depositions of similar import have years past been laid before the General Assembly, and the committee do not find them to contain any matter sufficient to criminate the said Martin" (Col. Rec., Vol. XXI., p. 691).

But, nevertheless, Martin's enemies were in the ascendant, and the Assembly passed a resolution "that John Sevier is the brigadier-general of the district of Washington, and ought to be obeyed as such according to the date of his commission issued in the month of November, 1784." Thus, in the closing hours of the

session, by political trickery, Martin, without notice, was legislated out of office, without opportunity for self-defense and without official accusation, and the place of the man who had served the State faithfully in her struggle with the State of Franklin was given to the governor of that abortive commonwealth, and by the very body which a year or two before had declared him an outlaw (Col. Rec., Vol. XXI., pp. 725-728).

Martin was a representative in the North Carolina Assembly from Sullivan County in 1782 (April session), in 1783 (April), in 1786, 1787 and 1788. He served on the committees on the Transylvania treaty, laying off lands for Continental officers, on Indian affairs and on Franklin State. He does not seem to have been an active member, and seldom appeared as a speaker. He was also a member from Sullivan County in the Hillsboro convention of 1788, which considered the Federal Constitution, and in that of 1789, which adopted that instrument. In both conventions he advocated its adoption. The latter seems to have been his last service in or for North Carolina. About this time he removed to Georgia, built a fort, took part in suppressing an Indian outbreak and was elected to the Georgia Assembly. He also traded with the Cherokees, and on December 11, 1793, was commissioned by Governor Lee as brigadier-general of the Twelfth Regiment of Virginia militia raised for suppression of the Whiskey Insurrection. In 1799 he was a Virginia commissioner to settle the Virginia-Kentucky boundary. In 1802 he served Virginia in a similar capacity for the Tennessee boundary. He was in the Virginia Assembly 1791-99, and Martinsville, in Henry County, is named in his honor. He died in Henry County, Virginia, December 18, 1808.

He was twice married. His first wife was Sarah Lucas and his second Susannah Graves. He had a large family, and a number of his descendants have become well known. The list includes his sons, Colonel William Martin of Tennessee and Colonel Joseph Martin of Virginia; other descendants are the late Rev. Joseph B. Martin and the late Rev. Lafayette W. Martin of North Carolina, Rev. Carr W. Pritchett, astronomer of the Morrison Observatory

of Glasgow, Missouri; Dr. Henry S. Pritchett, president of the Massachusetts Institute of Technology; and ex-Senator John Martin of Kansas.

A detailed study of General Martin's career will be found in my monography in the report of the American Historical Association for 1893 entitled "General Joseph Martin and the War of the Revolution in the West." The sources for his public career are to be found in the American State Papers, Calendar of Virginia State Papers, Colonial and State Records of North Carolina, publications Southern History Association and *Virginia Magazine of Biography*.

Stephen B. Weeks.





JOHN MOTLEY MOREHEAD

It is often remarked of the dead, especially in this busy, changing age, that if they could revisit the scenes of their labors they would walk as in a world not realized. The general truth of the remark cannot be denied. But a study of the character and achievements of Governor Morehead convinces me that he would be more at home in North Carolina to-day than would any other of our ante-bellum governors. He has been dead forty years, and they have been years of constant change and of unceasing development. But so wide were his sympathies, so vital were his aims, so far-sighted were his public policies, and so clearly did he foresee the larger North Carolina of schools, railroads and cotton mills, that he would be as truly a contemporary in the twentieth century as he was a leader in the nineteenth.

John Motley Morehead, governor of North Carolina for two successive terms, 1841 to 1845, was born in Pittsylvania County, Virginia, July 4, 1796. He was the son of John Morehead and Obedience Motley, both natives of Virginia. In 1798 his parents moved to Rockingham County, North Carolina, where he lived until his marriage in 1821 to Miss Ann Eliza Lindsay, eldest daughter of Colonel Robert Lindsay of Guilford County. Though three counties claim him, his home was for the rest of his life in Greensboro, the county seat of Guilford; it was from Guilford as a center that his influence and that of his family radiated; it

was in Guilford that his remains and those of his wife were interred; and it is Guilford that still jealously guards his memory as that of her greatest citizen.

Though there were no classical schools in Rockingham County during Governor Morehead's boyhood, his parents were determined that their gifted son should have a college education. At the age of fourteen he began the study of Latin in the home of his father's friend and neighbor, the Hon. Thomas Settle, father of the late Judge Thomas Settle. From here he went to the famous school near Greensboro taught by Dr. David Caldwell. Though Dr. Caldwell was at this time ninety years of age, Governor Morehead never wearied of praising his skill as a teacher and his range and acumen as a scholar. From Dr. Caldwell's school he entered the University of North Carolina as a junior half advanced, joined the Dialectic Society, was made a tutor, graduated in 1817,¹ and became one of the most efficient trustees the University has ever had. He was the sixth alumnus of the University to occupy the governor's chair and the first to occupy it for two terms.

It should be said in this connection that the differences of opinion in regard to Governor Morehead's academic attainments rest on a misconception of the man and of the times. Books were never to him an end in themselves: he used them only as a means to a knowledge of men and of things. He could quote readily from Shakespeare, Milton, Burns and the later poets;² but he laid no claims to being a literary critic, nor was he interested in the niceties of literary art except in so far as they gave cogency to his reasoning or sparkle to his illustrations. I have searched his pages in vain, however, to find any ground for the charge that his English was defective. In his stump speeches, none of which survive, he doubtless followed the vogue of the times and accom-

¹The Morehead room is still pointed out in the South Building. The statement, however, in the Kerr Memorial, that John Y. Mason of Virginia and James K. Polk, the future President, were classmates of Governor Morehead, is a mistake.

²See Kerr Memorial, p. 47.

modated his grammar to local demands;¹ but in his published addresses his language is invariably clear, correct, flexible and eminently representative of the power and personality of the man behind it.

After graduation Governor Morehead studied law under Archibald D. Murphy, who was twenty years his senior, and a graduate also of Doctor Caldwell's school and of the University of North Carolina. The influence of Murphy upon young Morehead was far-reaching and profound. The two men were alike and yet unlike. In the combination of native brilliancy, range and accuracy of information, wealth of literary attainment and constructive statesmanship North Carolina has never produced the superior of Murphy. But in their unvarying insistence upon the need of internal improvements and of broader educational policies for the State the two men stood upon the same platform; and Governor Morehead, by his greater power over the people at large, was enabled to accomplish far more than Murphy.

Obtaining his license in 1819, he began the practice of law in Wentworth, the county seat of Rockingham. As a representative from Rockingham, and later from Guilford, in the House of Commons, his fame as an eloquent tribune of the people and as an uncompromising advocate of internal improvements and of better educational facilities drew the attention of all classes to him and made him the most talked of man in the State. In 1840 he founded Edgeworth Female Seminary² in Greensboro, and was chosen the same year as the Whig candidate for governor.

His appearance at this time, as he stood at the threshold of his

¹An illustration may be found in an incident reported to me by Dr. Kemp P. Battle. During Governor Morehead's campaign with Judge Saunders, the judge challenged a statement of his opponent in these words: "Whar, sir, does the gentleman git his authority for that thar statement? I ask him whar." Slapping his hand upon certain volumes, Governor Morehead replied: "In them thar dokiments, sir. That's whar."

²For the unique position held by this institution in the education of Southern women, see "The History of Education in North Carolina" by Charles Lee Smith, "The History of Guilford County" by Miss Sallie W. Stockard, and "The Church and Private Schools of North Carolina" by

larger career, was singularly winning and impressive. His shoulders were broad, his forehead was massive, his face clean shaven, his hair touched with gray, his carriage erect but not stiff, his dress elegant but never ostentatious, and his expression a blending of kindness, sagacity and unalterable determination.

His Democratic opponent for the governorship was Hon. Romulus M. Saunders, and their five months' campaign was the most memorable the State had yet witnessed. Though Judge Saunders was at the outset better versed than his opponent in the history of politics and political parties, Governor Morehead's easy mastery of a popular audience, his candor and sincerity, together with his power of absorbing just the information that he needed, gave him an increasing advantage over the Democratic candidate. His majority on election day was more than 8000 votes. In his inaugural, the first delivered in the new Capitol, he "spoke without notes and without the slightest appearance of faltering."¹ He dwelt chiefly upon commerce, agriculture, methods of internal improvements, and the needs of the University and of the common schools. "It is to our common schools, in which *every child* can receive the rudiments of an education, that our attention should be mainly directed."

His opponent for his second term was Louis D. Henry. Owing to the untimely death of President Harrison and the alleged defection of Mr. Tyler, the Whig Party in North Carolina was apathetic and almost disorganized; but Governor Morehead's majority, though reduced, was about 5000. In his last official message, delivered in 1845, he made the following impassioned and successful appeal, honorable alike to his heart and to his head, for the better treatment of the deaf and dumb and blind:

"It is more than probable that this is the last official communication I shall have to make to your honorable body; to-morrow severs the political tie that now unites us. In retiring from the

Dr. Charles Lee Raper. While there were, of course, a great many female schools in the State supported by denominational and municipal subscriptions, this was the only one that was founded and owned by an individual.

¹Greensboro *Patriot*, January 12, 1841.

distinguished position I now occupy, I leave it pleading in behalf of these unfortunate and helpless creatures who are unable to plead for themselves, and whose happiness or misery awaits your action.

"I conjure you, then, by your duties as wise legislators, by all the feelings of humanity and of philanthropy, by the precepts of our holy religion, to resolve never to abandon the seats which you now occupy, nor to behold your own beloved offspring, until you have done your duty toward these afflicted children of Providence by the adoption of some measure for the improvement and amelioration of their condition."¹

Governor Morehead's reputation had already become national, and in 1848 he was unanimously chosen to preside over the National Whig Convention, which met in Philadelphia, June 7-9, to nominate a candidate for the Presidency. His speeches at the opening and at the close of the convention were admirable, both in form and spirit, almost every sentiment receiving the united applause of the vast audience.² He had gone to the convention in the hope of helping to nominate Henry Clay, but Zachary Taylor was the popular choice. "I have voted for Henry Clay," he said in his concluding speech, "because no man is more largely identified with the glory of our country than he is. No administration could add a particle to his undying fame; no honors could add to his treasure heap. But I yield him to this convention, yield him cheerfully, and for the future no man can go more heartily than I will for the hero of Buena Vista."

¹See "The Early History of the North Carolina Institution for the Education of the Deaf and Dumb and Blind" in "Our Living and Our Dead," Vol. I., pp. 257-261, 1874-75. In 1843 Governor Morehead had offered to W. D. Cooke of the Virginia Institution for the Deaf and Dumb and Blind "a large tavern house and outhouses" in Leaksville for the establishment of a similar institution in North Carolina. "This establishment you can have the first year *gratis*, and afterward at a very moderate cost." The Synod of North Carolina warmly commended this offer.

²The first speech is published in the *National Intelligencer* of Washington, D. C., in the issue of June 10, 1848; the second, in the issue of June 13th. For access to the ante-bellum files of this paper and of the Greensboro *Patriot*, I am indebted to the kindness of the authorities of Trinity College, North Carolina.

But Governor Morehead's greatest speech was doubtless that delivered as the representative of Guilford in defense of his railroad policies. It was during the session of 1858-59. For five days he had listened in silence to the attacks of his opponents; but when he finished his reply, "We could scarcely realize," says the Hon. Thomas Settle, "the fact that any man possessed such powers of argument and eloquence." Says the Hon. John Kerr¹: "The House was enraptured with the display of power on the part of Governor Morehead, and no further charges were heard against him, no other attacks upon him made during the session, but all other feelings and sentiments were merged in unbounded admiration of 'the old man eloquent.'"

It is in connection with the railroad system of North Carolina that Governor Morehead's influence is most widely felt to-day. He is as truly the father of the North Carolina Railroad as he was its first president. For his part in this great work his tastes and talents eminently fitted him. He was not only versed in civil engineering, mechanics and architecture, but was at the same time a successful farmer, miner, miller and manufacturer. To the day of his death the project of a great railroad that should unite the eastern and western sections of the State absorbed his heart and brain. Such a road would not only confer economic advantages by permitting a ready exchange of products between the east and the west, but would at the same time harmonize long divided counsels, and thus create a solidarity of sentiment and a community of interest that the State had hitherto sorely lacked. The idea was not new, but no one man contributed so much to its practical realization as did Governor Morehead.

The author of the bill to charter the North Carolina Railroad Company was Hon. W. S. Ashe, an eastern Democrat, but a friend of the west.² The bill was passed during the session of 1848-49, the vote of Calvin Graves, the Democratic speaker from Caswell County, having broken the tie in the Senate. In Governor More-

¹Kerr Memorial, p. 30.

²See Charles Clinton Weaver's "Internal Improvements in North Carolina Previous to 1860" (Johns Hopkins Dissertation, 1903, p. 91).

head's first report to the General Assembly as president of the road he characterizes the bill as follows: "The passage of the act under which this company is organized was the dawning of hope to North Carolina; the securing of its charter was the rising sun of that hope; the completion of the road will be the meridian glory of that hope, pregnant with results that none living can divine."¹ In his last report to the stockholders in 1866, a month and a half before his death, he thus summarizes what had been accomplished: "On January 29, 1856, trains could run from Charlotte to Goldsboro, a distance of two hundred and thirty-eight miles. June 7, 1858, found the roadbed of the Atlantic and North Carolina Railroad ready for trains from Goldsboro to Beaufort Harbor, and a few months thereafter found the trains running to within a few miles of Morganton on the western extension. . . . In seven years we have built of this great line three hundred and fifty-two miles in one continuous line."²

Governor Morehead's undisputed primacy in all the affairs of the road is thus gratefully acknowledged by the stockholders in their first meeting in Greensboro after his death: "By none can his merits be longer and better remembered than by us who had been accustomed to lean on his direction and be guided by his wisdom in the services of this company, in his earnest industry in securing its charter, in his manly and untiring efforts to induce the doubting citizens along its line to shoulder the enterprise, in his sleepless energy and zeal through all its dark days and early beginnings, as its first president and chief builder, from which no factious opposition or false clamor could for an instant divert him from his great purpose to imbed in the soil of his native State, in his own day and under his own direction, 'a great central trunk railway,' as the best deliverance of her citizens from commercial and agricultural bondage."³

As to the significance of the road in the history of the State

¹See "North Carolina Railroad Reports," Raleigh, 1850, Executive Doc. IX., p. 5.

²See "Proceedings," July 12, 1866, pp. 42-47.

³See "Proceedings," July 11, 1867, p. 6; also the Kerr Memorial, pp. 79, 80.

there can be no question. The granting of the charter was, says Hon. Rufus Barringer,¹ "the basis and the beginning of our entire present system of internal improvement, now reaching and intersecting every part of the State." "The construction of this work," says Captain S. A. Ashe,² "has been of incalculable benefit to the State and people. It has largely obliterated the intense sectionalism that previously divided the east and the west. It has afforded to the center and west commercial facilities that were absolutely necessary for material and social development. During the war it was of the greatest advantage. It was built without costing the people of the State anything in the way of taxes; and for forty years it has yielded the State some revenue without any expenditure by the people. The State owes about \$2,750,000 of bonds for its stock; and its stock can be sold at present quotations for \$5,250,000."

In 1861 Governor Morehead was selected, with Chief Justice Ruffin, Ex-Governor Reid, Hon. George Davis and Hon. Daniel M. Barringer, to represent North Carolina in the famous peace convention which met in Washington on February 4th of that year to devise some compromise by which collision between North and South might be averted. Governor Morehead had always been a strong Union man, but he returned from the peace convention fully convinced that secession was unavoidable. He became a member of the Provisional Congress of the Confederate States, and devoted his means and energies unstintedly to the Confederate cause.

The close of the war found him reduced in fortune³ and broken

¹See his "History of the North Carolina Railroad," p. 3 (a paper read May 10, 1894, before the North Carolina Historical Society at the University of North Carolina).

²See his extracts from and comments upon General Barringer's paper in *The Daily News and Observer*, Raleigh, North Carolina, February 5, 1905.

³Governor Morehead's estate, however, was less involved than that of many others, because he owned comparatively few slaves. His wife had been reared near the New Garden Church, which was abolitionist in sentiment, and had always opposed her husband's investing largely in slaves. (Letter from Mrs. L. H. Walker.)

in health. One year later, August 27, 1866, he died peacefully and resignedly at the Rockbridge Alum Springs in Virginia. He retained his mental faculties to the last, and only a few days before his death discussed the industrial needs of the South so ably that a friend exclaimed on leaving the room, "Is it possible he can be in a dying condition? He has laid out fifty years' work for us in this conversation alone!"

At his death, which preceded that of his wife only one year, Governor Morehead left the following family, of which only Mrs. L. H. Walker and Major J. Turner Morehead survive: Mrs. L. H. Walker, Mrs. Waightstill Avery, Mrs. Colonel Peter Evans, Mrs. R. L. Patterson, Mrs. Julius A. Gray, John L. Morehead, Major J. Turner Morehead and Eugene L. Morehead.

Governor Morehead's life spanned a period of the nineteenth century marked by unparalleled economic change and industrial enterprise. Between the years 1830 and 1845 railroads were first built, telegraph lines were first stretched and the ocean was crossed for the first time by steam-propelled vessels. He was in a sense the child of his age, for he felt the thrill of the new life and saw clearly the promise of material and commercial greatness that the new forces prophesied. But never for a moment did he lose sight of those finer virtues without which material progress becomes gross and sordid. In his character there was the blend of gentleness and strength, of generosity and business sagacity, of social charm and rugged principle. Wealth was to him the means of doing good, and high station the opportunity of public service. Though he was the pioneer manufacturer in the South, he transmits to this age not merely the lesson of industrial enterprise and material progress, but of these wrought into the finer forces of character and used only for high social and civic ends.

C. Alphonso Smith.

THE NEW YORK
PUBLIC LIBRARY

ASTOR LENOX & TILDEN FOUNDATIONS

R

L

The State was in the throes of war when he emerged from the groves of Chapel Hill, and animated by the patriotic spirit which distinguished his family, he quickly connected himself with the cavalry service of the Confederate States, and continued in the field until incapacitated by wounds that were at first thought mortal.

On the organization of the Fifth Cavalry, which is borne on the roll as the Sixty-third Regiment, he became adjutant of that fine regiment, and shared in all of its varied experiences. He was always in the thickest of the fray. "At Upperville, on the 21st of June, 1863, the Federal cavalry began to advance, and Colonel Evans wished to charge. General Stuart thought best not to charge, but finally yielded to Colonel Evans's wishes. This charge stopped the Federal advance, but," says Major John M. Galloway, in his account of that regiment, "at quite a loss to us. Colonel Evans was mortally wounded and captured and quite a number wounded. Adjutant Morehead had many holes in his clothing and several skin wounds, but nothing serious.

"In the Bristoe Station campaign the regiment did its full share of fighting and bore its full share of the losses, and here it suffered a severe loss, for Adjutant Morehead was desperately wounded. A bullet struck him full in the mouth, breaking nearly all of his front teeth and passing out at the back of his neck, narrowly missing his spinal column. The wound was first thought to be mortal, but youthful hope and a good constitution saved him. It was long before he recovered, and the regiment after that was deprived of his efficient services." His wounds incapacitated him for service in the field, and when he left the hospital he was assigned to post duty, and so continued until the end of the war. He was paroled by General Johnston at the final surrender.

In December, 1864, he was married to Mary Lily Connally, a niece of Nicholas Lanier Williams of Yadkin County; and immediately after the cessation of hostilities he was employed in the manufacture of cotton and wool at Spray, in Rockingham County, where he made his home.

In the devastation following the Civil War, the establishing of

manufacturing industries in North Carolina was practically evolution from very scant beginnings.

Before the Civil War each farmer had a flock of sheep and a flax patch. He bought cotton yarn for warp and used flax filling for summer and wool filling for winter clothes for the slaves and to a large extent for his family. The wool was carded and made into loose rolls an inch in diameter and about thirty inches long. These rolls were spun into threads on the old spinning wheels, and was carded and spun where grown, and the threads were dyed principally with bark dyes, and cloth was produced on the hand looms. Such were the old methods; under the new conditions of manufacturing, the operators had to be taught and trained, and the bulk of the consumers had to be educated up to the use of machine-made fabrics. When the farmer brought his wool to be carded, he was invited to exchange it for manufactured products, from art squares, blankets and linseys to bright-dyed wool yarns.

With the energy and intelligence that have characterized Mr. Morehead throughout life, and which made him so efficient as a Confederate soldier, he now applied himself to the various duties necessary in these new operations. And he soon became master of the details of his business, overcoming all obstacles and meeting with gratifying success. He became a forceful man in those uncertain times in his community, and was a leader in thought as well as in the activities of business.

In 1867 the negroes were invested with the right of suffrage by Congress; and this change in the fundamental law of the commonwealth ushered in a period of great excitement and turmoil. In 1870 political and social matters in that section of the State assumed an alarming aspect. Governor Holden declared Caswell, the neighboring county, in insurrection, and it was occupied by Colonel Kirk and his soldiers, and martial law supplanted civil law. Hundreds of the best citizens were arrested by Colonel Kirk, and a military court was appointed to try them, it being understood that the people were to be terrorized by wholesale military executions. There was great indignation at these proceedings,

and every man felt the immanency of the crisis. Under these conditions Major Morehead turned from his business and entered actively into politics, and in the midst of these occurrences, in August, 1870, he was elected to represent the county of Rockingham in the State Senate. In several respects this was the most important Assembly that ever convened in North Carolina. It was controlled by the Conservatives, who came into power after the disorders and riotous proceedings of the Republican Party during the preceding two years. The laws of the State had to be modified, the finances rescued from bankruptcy and a school system established, and the people demanded the punishment of those who had subverted the constitution of the State. Governor Holden was impeached by the House and was tried by the Senate, the chief justice presiding. On this trial Major Morehead voted guilty, and the governor was deprived of his office and rendered incapable of holding office again in North Carolina. Major Morehead was an active member of the Senate, and participated in perfecting the legislation then adopted, which has proved so beneficial to the people of the State. His conduct was so acceptable to his constituents that two years later he was returned again to the Senate, and he continued to exert a strong influence in public affairs; and a constitutional convention being called in 1875, he was elected a member of that body, and was one of the most important of the members, because of his intelligence, his firmness and his purpose to remedy the ills that afflicted the people.

The period from 1870 to the end of the constitutional convention of 1875 covered the crucial days of reform subsequent to the ills of Reconstruction. It was a period of constant struggle, and called forth the best action of the patriotic citizens of the State. During those five years Major Morehead, associated with many other young men who had endured the experiences of the war, diligently applied himself to rescuing the State from the evils that had overtaken our people and to establishing the Anglo-Saxons in control of public affairs. In this work he played an important part and exerted a strong influence. He was ever conservative, but was resolute, fearless and determined. What-

ever measure he advocated had the more favorable consideration because of the fact that he approved it, and whatever measure he disapproved was generally therefore regarded as inexpedient. Following the convention of 1875, Governor Vance was elected governor of the State, and the great work of reform was accomplished. Those active, energetic men who had applied their shoulders to the wheel to rescue the State from her troubles and difficulties, but who had no purpose to seek a political career, now felt that the burden was removed and that they could leave public affairs in other hands and devote themselves to their private business; and Major Morehead now became engrossed in manufacturing and other enterprises in which he was engaged. Spray, where he had established himself, became an important industrial center. From a village of 300 inhabitants in 1867, it has now over 6000 inhabitants, all engaged in manufacturing, the result of Major Morehead's operations there.

Addition followed addition in the development of Major Morehead's business interests. To manufacturing woollen and cotton goods he united mining and the development of the resources of that section where he had his home. He was an important factor in the inception and building of the North Carolina Midland Railroad, and was one of the ten men who purchased from the State the old Western Railroad and undertook to build the Cape Fear and Yadkin Valley Road. This was one of the most important enterprises of that period undertaken by citizens of the State. The gentlemen interested performed a great work, but it was at a heavy expense; and unhappily for them and for the State, a great panic occurred most unexpectedly, which overturned their plans, entailing personal loss and requiring the sacrifice of their property. But the road was built and has been a great factor in the development of that part of the State which it traverses.

North Carolina was the first State to have a Geological Survey. Governor Morehead was its early and lifelong friend, and, following in the footsteps of his illustrious father, Major Morehead threw all of his influence to maintain that department, and even assisted the Survey with his private means. While in the legis-

lature, he sought to foster the Survey, and, indeed, manifested more interest in its welfare than any other member of that body, and when the Survey was re-established, in 1891, he was appointed one of the Board of Control, and continued in the performance of that duty for fourteen years. During that period he was more influential in connection with the work of this Survey than any other citizen, except alone Professor Holmes, who was at its head. By this work he contributed much to the welfare of the State, and earned another title to the gratitude of the people for his intelligent action in their behalf.

At Spray he established a laboratory, which did most important work. "Two hundred and forty thousand electrical horse-power in Europe and 40,000 in America are now employed in the production of carbide of calcium, from which acetylene gas is made. This electro-chemical product was first commercially produced by Major Morehead at Spray. His plants in Virginia and West Virginia have since 1898 supplied all the chromium that has gone into the armor plate used by the United States, and large quantities are exported to Sheffield to the leading English manufacturers of armor plate."

In the course of his business he became interested in smelting refractory ores, and after long-continued effort and large expenditures he demonstrated the commercial and practical possibilities of the electric arc in that work. This was first demonstrated at Spray, North Carolina. The outcome astonished the scientific world, and the result was commended by such men as Lord Kelvin; and it was declared by Professor Vivian B. Lewes, F.I.C., professor of chemistry, Royal Naval College, Greenwich, before an assembly of learned experts, to be epoch making; and since then the results obtained have had a world-wide influence, and have been accompanied by important economic benefits.

Deeply interested in electro-chemical and metallurgical affairs, Major Morehead found it interesting to be in closer touch with those engaged in similar works, and was led by that consideration to make his home in New York, where he now resides.

S. A. Ashe.

THE NEW YORK
PUBLIC LIBRARY
ASTOR LENOX AND
TILDEN FOUNDATIONS
P L

advantages of a happy home and of associations with refined and cultivated friends, and he had the best educational advantages the State afforded. After an excellent preparatory training, at the age of sixteen he entered the University of North Carolina in 1862, and for two years applied himself closely to his studies. But the need for soldiers in the field became great, and the young as well as the old were required to fill the depleted ranks of the battalions defending the beleaguered Southland. At college with Mr. Morehead were Julian S. Carr, F. H. Busbee and others who, like him, were animated by patriotic spirit and could not remain in the quiet pursuit of an education when they had attained sufficient age and size to serve their country in the field. Lee was hard pressed in Virginia, Charleston besieged and New-Bern, Washington and Plymouth were in possession of the Federal forces, while Wilmington was threatened. As the Federal coil tightened on the exhausted South, even the young students sprang with alacrity to supply the vacancies made by fallen veterans, and nowhere was there more patriotic spirit manifested than at the University of North Carolina. Eugene Morehead and others of his class entered the Junior Reserves, and it fell to his lot to be ordered to Smith's Island, at the mouth of the Cape Fear, to aid in the defense of Wilmington. The battalion of which he was a member was thrown with others into a temporary brigade under the command of Colonel John M. Connally, one of the bravest of the brave. Colonel Connally had been educated at the Naval Academy, and by his courage, dash and intrepidity he reflected credit on that nursery of gallant officers. He had fallen at Gettysburg desperately wounded, and had lost his arm by amputation; but his spirit still flamed with patriotic fire. A man of fine discernment and judgment, on the organization of his brigade he selected Eugene Morehead as a member of his staff, and obtained for him an appointment as lieutenant, and had him assigned to duty at brigade headquarters. The organization served on the Cape Fear until the end of the year, and took part in the defense of Fort Fisher in the attack of December 24 and 25, 1864, when the Federal forces were so successfully repulsed as to give hope

that the fortress was impregnable. Somewhat later the brigade was assigned to the command of Colonel George Jackson, with whom it continued until after the battle of Bentonville. The disasters then hastening the war to its close prevented commanding officers from making regular reports and perpetuating the record of the gallant spirits who participated in the last scenes of the struggle. The curtain fell when all was in confusion, and the particular acts of even the most conspicuous and meritorious officers are rendered obscure in the absence of the official reports.

As soon as practicable after the close of the war, Lieutenant Morehead returned to the University and resumed his studies in the class of Fabius H. Busbee, W. H. S. Burgwyn, Paul B. Means and others who, like himself, had been in the Confederate service and who also were destined in civil life to achieve distinction; and he received his degree of A.B. at that institution at the commencement of 1868.

At the University he endeared himself to all of his associates, not merely because of his manly characteristics, but because of his courtesy, refinement and gentleness of deportment. One of his college companions, speaking of him afterward, said: "With a heart as tender as a woman, and with manners as polished as a Chesterfield, he was a most enjoyable companion."

Mr. Fabius H. Busbee says:

"I first knew Eugene Morehead as a lad on a visit to Greensboro, our families having been intimate since his father's term as governor, but my recollection of that period is indistinct, as I was very young. When I entered college, in 1863, he was in the Sophomore class, and was unusually considerate at a time when a Freshman appreciated kindness. After the war we were in the same class, he having been absent two years from the University in the army, and I losing one year, and we were graduated together in 1868. While we were members of different fraternities and different societies, I was thrown a great deal with him, and our friendship was close and unvarying. He was a good student and graduated in his class, being awarded one of the first distinctions. He was not demonstrative, but had the very warm friendship of the leading men at the University and was a great favorite in the village."

Indeed, he entwined himself in the affections of his associates,

and was the best beloved of all the students who were at the University at that time.

After graduating, Mr. Morehead returned to his home at Greensboro and entered the bank over which his uncle, the estimable Jesse Lindsay, presided, where he became proficient in the banking business; and at the same time he engaged in the leaf tobacco business with one of his relatives. He continued to reside in Greensboro about six years and to the time of his marriage. Among the people of that town he was no less popular and beloved than he was in college. Friendly toward every one, he himself enjoyed the friendship of the entire community. He was indeed different from many young men of his social standing and ample means, for he was neither ostentatious nor difficult of approach. Gentleness and kindness were among his characteristics from the cradle to the grave. To these traits of character were due largely the friendship and love he inspired among all who knew him.

On January 7, 1874, Mr. Morehead was happily married to Miss Lucy Lathrop, daughter of James W. Lathrop of Savannah, Georgia, which union was blessed with two lovely daughters, who are now Mrs. R. L. Patterson of New York and Mrs. John F. Wily of Durham, North Carolina, and one son, Lathrop Morehead. For a time he made his residence in Savannah, but in 1879 he returned to North Carolina and located at Durham, and at once became one of the leading citizens of that comparatively new town, then fast becoming an industrial center of the State. The tobacco business was still in its infancy, and he was of the greatest benefit in promoting that trade. Opening the first bank in Durham, with ample means, he became the prop and support of those business men who were then seeking to expand that business; and thus he did more than any other citizen in the way of contributing to the growth of Durham and in establishing her industries on a firm foundation. Indeed, no man ever took more pride and interest in the growth and prosperity of his home town, native or adopted, than he did in the growth and prosperity of Durham. He would often say: "I am in favor of anything for the good of Durham."

In truth, he never failed to do his part, and more than his part, along that line. He imparted to others his own enthusiasm in behalf of Durham.

Courtly in his bearing, polite to all men and always considerate of the opinions of others, he soon became a leader in all enterprises that were to the advantage of the community. His public spirit led him to serve several terms upon the Board of Town Commissioners, and he inaugurated movements that tended to the advancement and progress of the city. He was an active member of the Commonwealth Club, an organization that was formed for the very purpose of concentrating the energies of the business men on enterprises of improvement, and he was foremost in every movement that promised a benefit to the community. In particular, his best efforts were early enlisted for the establishment of the graded school, and he was a member of the first Board of Education, and served as president of that body for several years, and until the graded school became so successful in its operations that all opposition to it ceased and it was cherished by all classes of society.

As a citizen he thus entered not merely into the business and industrial life of the community, but he exerted a great influence, that was felt even in the homes of the inhabitants. One who knew him well says: "He had a well-rounded character—one of nature's noblemen—whose soul conveyed his qualities to other men, by which they were influenced and benefited. Some men are born great; they are great in youth as well as in mature age; they are great in society, in the home circle and business; in short, they are great everywhere and at all times. Such was the character of Mr. Morehead. Such was the beauty of Mr. Morehead's character that our friendship for him was fraternal in feeling. His broad humanity transcended all sectional and social lines, and the whole community felt as if they had a right and title in him and to his friendship."

When stricken with the malady that later proved to be fatal, he went to New Orleans to place himself under the care of a physician. After spending the winter there, he returned to Dur-

ham much enfeebled in health. The citizens of Durham, as a manifestation of their love and esteem for him, turned out *en masse* and met him at the depot on his arrival with a band of music and addresses of welcome, and escorted him to his home. No higher honor than this demonstration could have been bestowed on any man. The expression of regard and esteem of the people was spontaneous and entirely sincere. Mr. Morehead was much affected by it, and remarked to his wife that never before did he realize his unworthiness of honors, and he was powerless to express his gratitude to his fellow-citizens.

At the head of the only banking institution at Durham, and liberally and generously sustaining all the nascent industries of that busy mart, fostering the interests that were dear to all the inhabitants, a man of fine culture and admirable characteristics, one sees how he became the chief factor in the life of his community, and naturally he attained the commanding influence that the community accorded him. He always pressed for progress in education and in those other lines that tended to make the homes more comfortable, more enjoyable and more happy. He was a stockholder in the Faucett Durham Tobacco Company, in the Electric Light Company, in the Street Railway, in the Durham Water Works, in the Durham Land and Security Company and in the Durham Fertilizer Company, and engaged in many other enterprises. Although at the head of the Morehead Banking Company, he also became interested in the Fidelity Bank; and, indeed, whatever promised to be of advantage to the community always received his warm co-operation. He was first in everything that tended to the improvement of the town, and was devotedly loyal to the best interests of the whole community.

Mr. Morehead was an elder in the Presbyterian Church, and his record was blameless, and his daily walk and conversation were altogether admirable. As a teacher of the Bible class, he was ever prompt and earnest, magnetic in influence and winning in manners; his example was always good and his views thoroughly orthodox. His successor in his Bible class said to his pupils: "You can in no way show your appreciation of his labors and

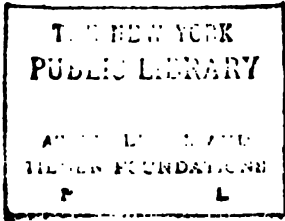
advice so much as by emulating his noble life and by more earnest devotion to duty and good deeds."

Making his home in Durham, Mr. Morehead and his accomplished wife became the center of a social circle appreciated for its excellence and esteemed for its culture and virtues, and from it there radiated a beneficent influence.

While still in the midst of his useful career, in the forty-fourth year of his age, Mr. Morehead passed away at Savannah on the 27th of February, 1889. His remains were brought to Durham, and the occasion of his funeral moved the inhabitants of the town to such a demonstration of affection and mourning as had never been evoked by any similar sorrow. The Durham Board of Trade and the Durham Light Infantry and other organizations and a large concourse of citizens repaired to the residence and escorted the remains to the Presbyterian Church, where the obsequies were conducted with great solemnity. Indeed, when the end came, the whole town was stricken with grief. Upon the lips of every citizen was heard the expressions, "A good man has gone," "A man without an enemy," "I have lost my best friend."

S. A. Ashe.





This ancestral line runs back three hundred years into the fine blood of Scotland. Virginia claims the first record of this family in this country in 1620. In value and extent of public service the writer recalls no family of more distinguished record in the history of this country. The limits of this sketch forbid citations from the records of Virginia and Kentucky. His grandfather, John Morehead, who was a valiant and intrepid soldier in the Revolutionary War, married Miss Motley, a daughter of Captain Joseph Motley, who fought at Braddock's defeat under Colonel George Washington. This grandmother had seven brothers in the Revolutionary War under Green and Washington. It will be recalled that Captain James Morehead, who was, on March 23, 1779, appointed an officer in the Tenth North Carolina Continental Regiment, served with conspicuous valor under General Sumner. One of the most beautiful memorial stones which adorns the Battle Park of the Guilford Battle Ground Association is that erected in honor of the Revolutionary heroine; Mrs. Kerenhappuch Turner, whose daughter Elizabeth was the wife of Captain Joseph Morehead. Another daughter, Mary, married his brother, Charles Morehead. John Morehead was a brother of Captain James Morehead, who had also "commanded the nine months' men sent to the South," and who, with Brown, Waddell and Owen, fought the battle of Elizabethtown and won a memorable victory over those Highland Scotchmen, the flower of his Majesty's soldiery. John Morehead was one of the special detail ordered to convey the prisoners taken at the battle of Cowpens to the mountains of Virginia, and was engaged in the execution of this order at the time of the battle of Guilford Court House. Later, John Morehead was a member of the Special Court of Rockingham County, where he was always a leader. It is a matter of history that he and the elder Ruffin were pillars of the Methodist Church in their day. John Morehead built old Mount Carmel Church, which yet stands in the county of Rockingham.

The maternal side of our subject's family is scarcely less distinguished. His great-grandfather was Jeduthan Harper, who was one of the delegates from Chatham County at Hillsboro on the

21st day of August, 1775, and among the first officers for Chatham County appointed at that time by that body, he was named as lieutenant-colonel. Chatham County also sent him as a member of the Congress held at Halifax, North Carolina, on November 12, 1776, which framed our first State constitution. Four years later he appears as the first representative in the House of Commons from the county of Randolph, where he spent the remainder of his life.

An interesting coincidence is the fact that Colonel James T. Morehead, the subject of this sketch, was a member of the *last* House of Commons under the old constitution from Guilford and his great-grandfather, Robert Lindsay, was a member of the *first* House of Commons in 1776. The Harpers in Randolph and the Lindsays in Guilford were the substantial leaders in the early years of the last century, and their descendants are yet among the influential and respected of the best element of our people. The branch of the Morehead family in Kentucky was honored with the highest positions within the gift of the people of that State. Charles and James T. Morehead were each governor of that State, and later each represented Kentucky in the United States Senate. One of North Carolina's greatest governors was John Motley Morehead, whose scheme of internal improvements will perpetuate his name for all time. His brother, James Turner Morehead, one of the ablest lawyers of his generation, and a member of the United States Congress, 1851-53, was the father of our subject. His wife was Mary Lindsay. Another son, Major Joseph M. Morehead, president of the Guilford Battle Ground Company, is still living.

Colonel James Turner Morehead, who bears the name of his father, was born on the 28th day of May, 1838, and was prepared for college at the great school of Dr. Alexander Wilson, at Melville, Alamance County, North Carolina. Twenty years later, in 1858, he graduated with first distinction at the University of North Carolina. His law course was pursued at Richmond Hill under Chief Justice Pearson, which he completed in 1860. The war followed. True to the traditions of his noble lineage, he enlisted

in the cause reluctantly espoused by the people of North Carolina. His service in the field was what might have been expected from the scion of a line of heroes and heroines. From second lieutenant, his promotion was won to the position of colonel of the Fifty-third North Carolina Regiment, which he held at the time of his capture on the 25th day of March, 1865, at Hare's Hill, in front of Petersburg. He was in the last charge in which the Confederates broke for the last time the lines of the enemy, and was taken a prisoner inside of the ranks of the enemy. He was wounded three times, and gave ungrudgingly of his blood and four of the choicest years of his life to his country. In war as in peace he measured always up to the full share of duty, and wore the white flower of a flawless record. He never forgot his proud heritage, and added new luster to the honored name he bore to the front.

At the end of the war he returned to the stricken home, and again touched elbows with comrades in the stupendous task of rebuilding that which had been swept and torn down by the ruthless tread of a victorious army. Like his distinguished father, he preferred the practice of the law, and since 1865, with rare interruption, he has pursued his profession with diligence, with pride and with success. While the most flattering political honors have been within his reach, he has seldom yielded to the entreaties of his friends, who have been ever ready to honor him with their support and confidence. In 1866 he served in the House of Commons from Guilford. Again in 1872, 1873, 1874 and 1875 he was the senator from Guilford, and when Lieutenant-Governor Caldwell became governor, he was elected president of the Senate, and discharged the duties of lieutenant-governor. He was one time, in 1888, induced to accept the nomination for Congress, but after a most brilliant canvass was defeated, owing to peculiar conditions existing in his district, for which he was not accountable. In 1882 the Democratic convention of this senatorial district, believing him to be the strongest and most available, if not the only man, tendered him the nomination against his wishes, and the result vindicated its wisdom. Time and again he has been importuned without success to accept the standard of his party in other con-

tests. Whilst loyal always to the Democratic Party and a steadfast adherent of its faith, he has never overlooked the jealousy of his mistress, the law. Nor has he ever failed to accord to his fellow-citizens the fullest liberty of speech and action in all things.

He is of the Presbyterian faith, and for long years has been a "high private in the rear ranks" of the old First Presbyterian Church of Greensboro, North Carolina. His consistency, his simple faith, his sterling integrity, his quiet alms, his charity, his generous deeds, his kindly words, his steady gait at all times and his fine poise of character are read in the daily walk of his daily life. The simple life is his. Without frills, or flounces, or furbelows, he pursues the even tenor of his way, and never allows friend or foe to disturb the calm of his honest soul. It is as a lawyer that he is best known and best appreciated. He is in love with his profession, and so clean and straight has been his career, that he has given his profession added prestige in the confidence of the people. He is not a book lawyer, but he knows what is in the books. His skill in the management of the trial of a case before a jury is not surpassed by any lawyer of his day in this State. His skill in the cross-examination of a witness is unmatched. He is a unique character in the court-house. His quaint style and manner of speech and action captivate the audience. He is the most entertaining lawyer in the trial of a case the writer ever saw. He never fails to evoke laughter from the judge, the jury and the crowd. Every juror prefers to be in his case. He knows there is fun ahead. The judges do not hesitate to express their pleasure in listening to his unique, homespun and humorous arguments. It is a dull case out of which the unique colonel cannot bring some humor.

He is the only lawyer in Piedmont, North Carolina, who keeps up the old custom of riding his circuit. The people of Randolph, Rockingham, Alamance and Stokes do not count it a court without the presence of Colonel Morehead. His name will live longer in the traditions of the people of his circuit than that of any other living man of his day. He has enjoyed an extensive practice, and has appeared in nearly all the important litigation of his circuit

for more than thirty years. He grasps the salient points in his case and drives them home with unerring effect. The most noteworthy thing in his forensic battles is that he never loses his head under any provocation, and is always cool. His professional life is a success. He has never married. He is still in the enjoyment of his matured strength and unimpaired powers. His place in the esteem of his profession and the people is permanent and exalted.

North Carolina owns no finer gentleman. His character is as white as the untouched face of a summer's rose. Without exception, he is the discreetest and the manliest man the writer knows on earth to-day.

G. S. Bradshaw.



T. S. NEW YORK
PUBLIC LIBRARY
ASTOR LENOX AND
TILDEN FOUNDATIONS
P L

of the most useful governors of the State, a man of great power and capacity, an ardent advocate of internal improvements, who made the construction of the North Carolina Railroad possible by securing the private subscription of \$1,000,000 required by the act incorporating that company, and who largely promoted the building of the Atlantic and North Carolina Railroad.

The other brother, Hon. James Turner Morehead, one of the greatest lawyers of his day, represented Guilford County in the legislature, and also was a representative in Congress in the stormy times of 1851 to 1853, but he preferred his professional career to political life. He married Miss Mary Leas Lindsay, and his surviving sons are Colonel James T. Morehead, a distinguished lawyer of Greensboro, and Major Joseph M. Morehead, the subject of this sketch, who was born in Greensboro on the 9th of July, 1840.

While in his sixth year Major Morehead had the misfortune to lose his mother, and being rather feeble and not of a robust constitution, while fond of hunting, his tastes led him to books. He was taught at the celebrated school of Dr. Alexander Wilson, in Alamance County, and there was prepared for college; but after entering the University, he was forced by ill health, in 1858, to abandon his studies without graduating. Later, however, having a disposition to follow the professional career of his father, he attended the law school of Chief Justice Pearson of Richmond Hill, and was admitted to the bar.

The war coming on, he enlisted as a private in the Guilford Grays, and was soon appointed a first lieutenant in the Second North Carolina State troops, but because of ill health he was discharged by the surgeons, and had to abandon the service. He began active life in 1865 at Greensboro, uniting the business of farming with his professional work.

Fond of country life with its pastimes, to which he was accustomed from youth, and familiar with the woods and fields of his vicinity, Major Morehead has naturally taken a great interest in his farming operations, and he devotes much of his attention to that work. But outside of his profession and business interests

he is particularly noted for his endeavors to establish and maintain the Guilford Battle Grounds. In this work of high patriotism he has been tireless since the inception of the purpose, and not only liberal in his pecuniary donations, and freely giving his time, but also manifesting his interest by personal labor and supervision of the operations on the grounds. Originally a mere dedication of the field on which the battle was fought to public uses, through the services of Judge David Schenck, Major Morehead and their associates, the undertaking has been enlarged until the park has become a mausoleum redolent with patriotic memories. These monuments have been erected in commemoration of great events in the revolutionary history of the State, and to preserve to posterity the story of lofty patriotism exemplified in the lives and services of fallen sons. For many years Major Morehead has been the acting president of the association, and while he has contributed largely to the other monuments that adorn the grounds, to him chiefly is to be ascribed the credit of erecting the beautiful one unveiled on July 4, 1902, in honor of Mrs. Turner, the first ever erected in America to commemorate a heroine of the Revolution.

Through his active and long-continued exertions, appropriations have been made by Congress for the erection of monuments to General Davidson and General Nash, who fell on the field of battle gallantly performing their duties; and also as a result of his persistent endeavors a monument to General Greene is to be erected on the field where, by crippling Cornwallis's army, that hero of the Revolution rendered most valuable service to the cause of his country's independence. Indeed, Major Morehead's unremitting exertions in connection with this battlefield have been so zealous, and are so highly esteemed by his community and the public, that his presence at the recurring ceremonies on the grounds always evokes popular applause in grateful recognition of his unceasing labor and public spirit; and when, in the centuries to come, patriotic Carolinians will repair to the sacred shrine of the Guilford Battle Ground, they will recall with gratitude this great work of Judge Schenck, Major Morehead and their co-laborers, who

conceived the plan and have so admirably executed the design of setting apart the old field of battle and converting it into a park adorned by monuments telling posterity of the services of their Revolutionary fathers.

Nor have Major Morehead's labors in the field of patriotism been limited to his services in connection with the battlegrounds. He has been an investigator into the obscure annals of State history, and has made valuable contributions to historical literature. Chief among his publications is his interesting and admirable pamphlet on "James Hunter, General of the Regulators," which does full justice to the men engaged in the Regulation movement, and presents that subject in an aspect that appeals to the sympathies of patriotic people.

Major Morehead has ever been a zealous Democrat, and has taken an active interest in political matters, though he has never sought political preferment, but has contented himself with wielding the influence that is naturally accorded in public affairs to a prominent citizen who is controlled by unselfish motives and lofty purposes.

In his religious affiliations Major Morehead is a consistent Presbyterian, and his walk in life has won for him the high regard and esteem of his associates. A cultured gentleman, his reading has been varied, embracing a large variety of subjects, but outside of his professional studies he has devoted himself chiefly to works of theology, agriculture and history, while the pleasures of his home circle and his domestic tastes usually engage his leisure hours. The keynote of his life is well illustrated by the words of advice he would offer to the young with a view of promoting high ideals: "Fear God, maintain self-respect at every hazard. Never be idle. Have a purpose and pursue it energetically, and never depart from it."

On the 8th day of November, 1883, Major Morehead was happily married to Miss Mary Christian Jones, who has borne him four children, of whom, however, only one survives.

S. A. Ashe.

THE NEW YORK
PUBLIC LIBRARY

ASTOR LENOX AND
TILDEN FOUNDATIONS

F

L

part of the site of the State University being donated by a Mr. Morgan of this family. The mother of John Morgan was a Miss Reese, a member of a prominent Welsh family which located in Mecklenburg County. All of his sons emigrated to Alabama and other States in the Southwest with the exception of Reese Morgan, who remained in his native county until about the year 1845, when he was employed by the Rockfish Manufacturing Company, and moved his family to the village of Rockfish, now Hope Mills, in Cumberland County, where that company operated one of the first cotton mills established in the South.

Here the father was soon stricken with disease that lingered for a long time, resulting in his death in 1847, leaving a wife and eight children. The heavy demands of sickness in the family forced even the youngest boy into the factory at the age of seven, where he worked as bobbin boy for twelve and more hours per day for fifty cents per week at first, a princely wage of eight and one-third cents per day! Gradually working his way up from one line to another, he mastered every detail of the work of the cotton mill of that date, besides learning the mechanical operation of the business, being able to make all the repairs needed to be done outside of the factory, often forging for himself such tools as upon sudden emergency he found use for. Denied opportunity to attend school, having attended in all less than eight weeks, when he arrived at his majority he was not only recognized as one of the foremost and most capable machinists of the State, perfectly familiar with every detail of cotton manufacture, but had made such progress in his studies by the light of a pine-knot fire, after the day's work was over, that he possessed a good business training, had a fair English education, and was a ready and accurate calculator, even to the intricacies of the science of mechanics as applied to his business.

At the call to arms for the Civil War, Mr. Morgan was an officer of the Rockfish Liberty Guards, being first lieutenant. He with his company tendered his services to the State for the war, but Governor Ellis refused to send the company to the front, because the men were for the most part employed in the manufacture of

cotton, holding that they could serve better by giving their efforts to the production of thread and cloth. The fact that North Carolina soldiers were better clothed than those of any other Confederate State was due in no small part to such foresight as was exercised in this act of the governor. The company was enlisted, however, and placed under the command of Major Childs, with headquarters at Fayetteville, being directed to proceed with their daily work as far as possible, but subject to be called out for military duty at any time.

It is a matter of history that the company was ordered into active service several times. It participated in the capture of the arsenal at Fayetteville in April, 1861, closing its service in 1865, being on the 8th and 9th of March, 1865, under orders, engaged in destroying cotton and other stores, and commanded to protect and finally burn bridges in front of Sherman's army, and fall back to Fayetteville in face of the advancing enemy. After a very hard day and night's work on the 8th and 9th of March, 1865, the company, having no commissary, dispersed for food and a little rest early on the morning of the 9th, being ordered to report for further duty a few hours later. The physical endurance of the men had been tested to the utmost, the work being most laborious. So nearly prostrated was the whole company that the captain was met at the appointed time for assembling by only four of his men, being Mark Morgan, first lieutenant; his two brothers, John Morgan, sergeant, and Matthew Morgan, private, together with Henry Hall, lieutenant. The Federal army had invested the village, and upon assembling, these five were discovered and were set upon by a superior force. The captain escaped by galloping his horse away with several of the enemy in hot pursuit shooting at him. The others dispersed, each for himself attempting to evade the Federal soldiery through the day, and, by superior knowledge of his surroundings, to reach the Confederate forces under cover of darkness the following night. A sick wife and infant son, his first born and only son, at home, drew Mr. Morgan there to say what might be forever "good-by," and while at his home on March 9th he was discovered and captured by Sherman's

forces, taken before the officer in command and paroled. His home was invaded by his captors, and every piece and parcel of his household property and other effects there was broken up, torn, shattered and utterly ruined or destroyed save the bed on which his sick wife lay and the clothing on his own person.

The Federal army passed on, leaving Mr. Morgan to attend to his distressed family. He found himself and family with no morsel of food and none to be had in the village or community, and he with no property whatever save \$50 in gold which he had saved with some Confederate currency. His first food was procured by his walking seven miles to Fayetteville, where he got nineteen pounds of corn meal (all he could get at any price) for \$19 in Confederate currency. Hastening home with this for his sick wife, he found Rev. Angelo Benton, learning of their distressed circumstances, had given his wife some bacon, which Mr. Benton saved by securing in some way a guard for his own home. With this food life was sustained.

The Southern soldier returned to his office, store, farm or shop, as was his avocation, to find varying conditions of destruction and decay, there to fight a battle scarce less heroic than had been his clash of arms. To Mr. Morgan the factory where he wrought was office, store, farm and shop; it was now marked by a mass of ruins, tangled and twisted at the touch of the invader's torch, lighting the heavens as it wafted away in smoke, the end of everything material on which he had builded his hopes.

Life had to be begun over. But in the providence of God a little corn mill in the neighborhood had saved a small, dilapidated factory, Beaver Creek Factory by name, the two being so near together that the vandal soldier could not burn the factory without destroying the mill, and he needed the mill to grind his meal. When the mill was no longer needed, the factory seemed to be forgotten, and in some strange way it stood out among the devastation around, saved. Here Mr. Morgan found employment at once, almost, and for a year he repaired, refitted and rebuilt the machines in this factory, and even with his own hands built new machines for it.

In 1867 Colonel Thomas M. Holt of Haw River tendered Mr. Morgan the superintendency of Granite Mills on Haw River, which position Mr. Morgan held for several years. While here he invented the first successful appliance of its kind and manufactured in a blacksmith shop, with only the common outfit of such shops, a governor for heavy water-wheel gates to turbines, which governor gave perfect satisfaction, a thing not theretofore accomplished. One of exactly the same pattern is at this day in service at Richmond Cotton Mill in Scotland County. The capacity of this factory, Granite Mills, was greatly enlarged and the production or per cent. of manufactured product from raw material, was greatly increased while Mr. Morgan managed it; but the work was very heavy, and Mr. Morgan's health failed to such an extent that he felt compelled to give it up and rest, and so tendered his resignation.

After a period of rest and recuperation, he began to look about for a place of healthfulness and remunerative work not too heavy for his then condition. Investigating what was then the Laurel Hill Mill, in what was Richmond County (now Scotland), with an unfailing water-power, located in a most healthful section of the long-leaf pine and in the edge of the sand region of North Carolina, since become renowned for healthfulness, he found the old mill had stopped its wheels because its machinery was in such poor condition that its products were no longer salable. Observing the never-failing water-power, and relying upon his capacity as machinist, his fine judgment told him that here was an opportunity. He leased the property from Colonel Charles Malloy, the sole owner, in 1872, and began repairing the four hundred spindles he found here, discarding the six looms that comprised the weaving department. To avoid the odium of the inferior goods so recently offered under the name of "Laurel Hill Cotton Mill," the newly-made goods were offered under the name of the "Beaver Dam Cotton Mill." Such was the quality that, though his name was soon superseded, occasionally now there come inquiries for the old Beaver Dam Cotton Mill thread.

Notwithstanding the high standard to which Mr. Morgan soon

raised this mill, he saw that success such as he aimed at was not to be attained without thoroughly modern machinery. Colonel Malloy saw that in Mr. Morgan he had found one whose capacity and practical experience insured success, and to make it more certain he sold Mr. Morgan an interest in the factory, taking him into partnership under the firm name of Malloy & Morgan. New machinery replaced the old, and a new era opened for the mill, the name of which was now changed to its present corporate name, Richmond Cotton Mill, though it was not incorporated until after Colonel Malloy's death. The name was taken from the county—Richmond—in which the property was situated, though now it is Scotland County. During the years the mill was operated by Malloy & Morgan, partners, many were the difficulties encountered. The surrounding country is very productive in cotton, which was bringing a high price at that time. The work in cotton fields was more attractive to most laboring people, who were hard to get into cotton mills. Mr. Morgan walked through the surrounding country personally soliciting the services of such laborers as were properly open to such proposals, and by his personal contact with prospective laborers protecting the character of the mill settlement by not taking people whose appearance seemed to indicate criminal tendencies. In truth, while such personal solicitation has long since passed, he has always endeavored to protect the character of his people by excluding the vicious, so much so that it is a matter of pride often referred to by his more experienced hands that they were with Mr. Morgan so long. Nor is this confined to his mill operatives, but applies to his farm laborers and tenants as well. Often they state that they intend to remain with Mr. Morgan so long as they live, if he will keep them so long.

The product of the factory was sold in these days in five-pound hanks or bunches to small merchants and even to the consumers in some cases, making the problem of disposing of the thread quite a difficult one. So his traveling through the surrounding community took the form of seeker after laborers and also customers. On one occasion, approaching on foot a substantial farmhouse

near night, he sought lodging for the night, which was refused, contrary to the usual Scotch custom. As Mr. Morgan turned to go the good housewife asked her husband who was the traveler and his business. To her great surprise she heard the name of one of her intimate friends of childhood and youth, and it dawned upon her that he had been turned from her door. Imagine the pleasure and surprise when he was recalled to stand face to face with his friend of other days, one with whom he had often sung from the same book in the village choir, for they were both musical in youth. It is needless to say he received a royal Scotch welcome.

Malloy & Morgan lost heavily by a failure of a business house with which they did a large business, but this misfortune, instead of depressing the spirits of Mr. Morgan, seemed to renew his purpose to succeed. In a few years he had the satisfaction of seeing the mill out of debt and a surplus sufficient for the comfortable conduct of its operations without embarrassment at any time.

So well did this enterprise pay, and so hopeful was the outlook, in 1887 Mr. Morgan's only son was admitted into the business, and Ida Yarn Mill built. This mill was named in honor of a little deceased daughter of Mr. Morgan.

Colonel Malloy having died, Mr. Morgan joined with his son, M. Lauder Morgan, his son-in-law, Mr. W. H. Morrison, and Messrs. J. H. McIlwain and Daniel Blue, in 1892, and built another cotton mill, the Springfield Cotton Mill. About this time each of the cotton mills was incorporated under its individual name, each being a separate organization. Mr. Morgan is president of each, Mr. W. H. Morrison is treasurer of each. The three mills manufacture yarns exclusively.

In whatever engaged, it has been the ambition of Mr. Morgan to reach the foremost position possible based upon merit. Long experience in cotton milling caused him to note all improvements in machinery, and his progressive spirit led him to adopt them as rapidly as possible, so that the products of his mills have ever ranked among the highest grades and realized the highest prices.

From the time of his first connection with the Laurel Hill Mill to the present, not once has he failed to realize a comfortable dividend from his investments. Succeeding so admirably in these enterprises, Mr. Morgan continued to enlarge his manufacturing interests, and early became identified with the cotton mill at McColl, South Carolina, and contributed to the erection of the Cotton Seed Oil Mill at Gibson, North Carolina. Needing additional facilities for handling his large financial interests, he joined in the establishment of a bank, and became one of the stockholders and a director of the First National Bank of Laurinburg, North Carolina, and is vice-president of the Scotland County Savings Bank. His enterprising spirit has led him into other operations which have been helpful to his community. He is the largest stockholder and is president of the Red Springs Cotton Seed Oil and Fertilizer Company. He has also engaged largely in agriculture, and has achieved success in this as well as in his other pursuits. But for his greater reputation as a manufacturer he would be widely and favorably known as a prominent farmer of the State. The same thoroughness that he has displayed in his favorite vocation has marked his operations in every other field of endeavor. His eminently practical mind, correct in judgment and unflagging in attention to details, united to a superior intelligence, makes him a master in every line of work that he takes up, while the example of his success and the inspiring result of his business operations have been of great and permanent benefit in developing confidence in these industrial enterprises and promoting the establishment of more factories in his section of the State.

A factor that enters largely into his success is his genial humor, droll and quiet, often hitting off a subject with an incident aptly illustrating the case, provoking laughter and good humor without in any degree letting down the high tone of his conversation. In his dealings with his employees the kindness of his nature is ever assertive. Those of his employees whose lives and characters are worthy look upon him as a true friend and benefactor after they get to know him and thoroughly understand him.

Having to struggle for his own education, practically without instruction save such as his sainted mother gave him after their day's cares had drawn upon their strength, tired, with no trained teacher to guide him, he learned well the value of an education, and to this day deploras the fact that the door of the school-room was closed to him almost before it had opened. This feeling of distrust as to his own acquirements attained under such difficulties had helped to give his always modest nature a diffidence which has made him slow to assert himself in public, and has often deprived those who would hear him gladly of his fine insight into matters when in deliberative assemblies. He has always had a lively interest in schools, and has aided annually in giving educational advantages to his community. His children he educated liberally, and is now educating grandchildren. It is incidentally a matter of pride that his daughter, Mrs. Margaret Morgan Blue, was the first graduate of Red Springs Seminary at Red Springs, North Carolina.

Hardly ever a year passes that his means do not open the door for some poor youth to enter school of some grade, having assisted to every grade of instruction, from the most elementary to the finishing schools of Europe. True, they promise to pay back, and generally do, but that some do not does not keep him from the enjoyment of having helped some who are most worthy indeed.

It is not strange, then, that Mr. Morgan should be placed upon the Board of Trustees of Red Springs Seminary, a school under the care of the Fayetteville Presbytery, while he is an Episcopalian. His services on that board, as usual, have proven most valuable. The president of that institution, now the Southern Presbyterian College and Conservatory of Music, says in a letter to the writer: "Mr. Morgan has been of great service to us in our work. He has not talked much, but his counsel has been not only safe, but progressive. I believe I have failed but once to take his advice, and then I found I made a mistake."

In 1904 educational circles were surprised to learn that he, an Episcopalian, had given to this institution the money with which to erect a much-needed building, costing \$7000. This is recog-

nized as the largest single gift by any native resident of the State to female education. It was given in a manner characteristic of the donor, without any announcement on his part beforehand or waiting for a theatrical moment to bestow the gift. He had considered the situation, and as he stated to one some time later who spoke of the unusual gift by one of one denomination to a school under the care of another denomination: "They told me they gave training at this institution at actual cost, the equipment being given free, the tuition and charges simply paying the necessary bills for teaching and expenses of maintaining the students. I thought I would help them to larger accommodations and greater usefulness, and so I gave them the money for the building."

The building is known as "Morgan Hall." On May 18, 1904, the Grand Lodge of Masons laid the cornerstone, on which is the following inscription: "Morgan Hall. Erected by Mark Morgan in Honor of his Wife, Margaret, and as a Gift to the Women of North Carolina."

Let no one consider that this gift indicates lack of fine church pride in Mr. Morgan, for such is not the case. He is broad enough to look beyond and above all church lines, but is well known to those about him to be faithful and true to his own church, the church of his fathers.

Mr. Morgan has never held public office until the present. He is the honored representative of Scotland County in the General Assembly of North Carolina, being chairman of the Committee on Manufacture and Labor, besides holding other important assignments. He had cast against him only sixty-five votes out of a total population of nearly 20,000. Mr. Morgan is a Master Mason, affiliating with Laurinburg Lodge, No. 305.

Mr. Morgan's home life has been that of beautiful devotion to his wife and children. He was most happily married on September 3, 1863, to Miss Margaret L. Cameron, daughter of Mr. Angus Cameron of Johnsonville, Harnett County, North Carolina. Between them there has been a blending of taste, a molding of soul, that has made the twain one in hope, heart, aspiration, purpose; the one strengthening the other, sharing and lightening

the burdens, bowing together over the bier of the little daughter, able to say, "It is well with the child;" later staggering under the sorrow of loss of first born, their only son, M. Lauder, but able to look up into the great beyond and behold his glorified spirit beckoning them to their eternal home.

To Mr. and Mrs. Morgan were born four children: M. Lauder, who married Miss Eugenia Morrison. She died in February, 1898, to be followed by him May 18, 1899, leaving five children—Bessie, Marcus Morrison, Edwin, William Lauder and Eugene Arrowood.

A daughter, Miss Lena, married Mr. William H. Morrison (brother of Mrs. M. L. Morgan). Mr. and Mrs. Morrison have two children living—Esther McLean and Genia.

A daughter, Ida, died in infancy.

The youngest child, a daughter, Miss Margaret, married Dr. K. A. Blue, a prominent physician of Laurinburg, North Carolina, and they have one son, Mark Morgan Blue.

It would be improper to close this sketch without saying of the lamented M. Lauder Morgan that truly did he wear the pure flower of a blameless life, strong of purpose, steady and true in every relation, given to thought, but of little speaking, gentle and tender and pure as a woman, diligent, thoughtful of his parents, considerate above everything of his mother from boyhood up, in whom he confided always, he presented a true type of the strong man, successful in every undertaking, whose manliness was only equaled by his gentleness. His death fell as a blow, sudden, almost, and unexpected up to a few hours before it, laying upon his parents a sorrow almost above that which they were able to bear.

Mr. Morgan has this year built and given in fee simple to the diocese of North Carolina an Episcopal Church in the town of Laurinburg, in memory of his son, M. L. Morgan, his son's wife, Mrs. Eugenia Morgan, and his daughter, Ida Malloy Morgan, deceased.

Marcy L. John.



MAURICE MOORE



ABOUT the year 1685 James Moore, a grandson of Roger Moore, who was one of the leaders in the Irish Rebellion of 1641, removed from the Barbadoes to South Carolina, where he married Elizabeth, the only child of Sir John Yeamans, the first governor of Carolina, and who made the settlement of South Carolina. He was a bold, adventurous man, of high spirit, unflinching courage and strong mind. He himself became governor of South Carolina in 1700, and while governor, conducted an expedition against Florida and against the Appalachian Indians, who, from their connection with the Spaniards, had become troublesome. He marched into their territory, carrying fire and sword, and struck terror among those tribes. All the towns between the Altamaha and the Savannah he laid in ashes, capturing many savages, and obliging those Indians to submit to the English Government. He received the thanks of the Proprietors for his patriotism and courage, and his success gained great reputation for him and the province. Indeed, he was a bold fighter, capable, efficient and thorough. Already possessed of large wealth, the captured Indians whom he enslaved made him perhaps the wealthiest of South Carolinians. He left a large family, and his descendants, both in North and South Carolina, have ever been among the most prominent and forceful citizens of those States, among them being Washington Alston, George Davis and Judge Alfred Moore.

When the Indian War broke out in North Carolina, in September, 1711, aid being asked of South Carolina, Colonel Barnwell was sent with some 1500 friendly Indians to assist the North Carolinians. Colonel Barnwell's route lay up the Wateree River, and he gathered detachments of Indians from the tribes in that vicinity and the Catawbias and Waxhaws; and then he struck across the wilderness to the upper Cape Fear, and finally reached an Indian town called Torhunte, about the site of Greenville. But his expedition not ending the war, a year later, on renewed appeal for aid, South Carolina sent another force under the command of Colonel James Moore, the eldest son of Governor Moore, who pursued the same route as Barnwell until the Catawbias were reached; but from there he proceeded by the upper trading path through Salisbury and the Oconeechees to Torhunte; and a little later reinforcements were sent him under his brother, Major Maurice Moore, the subject of this sketch, who on reaching the Catawbias proceeded through the wilderness by an intermediate route, also arriving at Torhunte. The two Moores soon brought the Tuscaroras to terms, and after one of the greatest Indian battles of that period, took their chief fort and virtually ended the war. Colonel Moore then returned to South Carolina, where, in 1719, he led the revolution that overthrew the rule of the Proprietors, he being elected governor by the people and holding the province for the Crown.

Major Maurice Moore remained in North Carolina. In 1713 he bought a lot in the present town of Beaufort, in the deed for which, however, he is described as "of South Carolina." Shortly after that he married the widow of Colonel Sam Swann, a daughter of Major Alexander Lillington, and thus he became connected with Edward Moseley, John Porter, the Swanns and other leading citizens of North Carolina.

Hardly had the Indians been suppressed on the Pamlico when the Creeks, Yamassees and Cherokees, as well as the Catawbias and other South Carolina Indians, began a murderous war on the whites of South Carolina, and that colony was threatened with extermination. Its peril was far greater than that of North

Carolina the year before. In this emergency North Carolina sent two detachments to the aid of the southern settlement, one by water, the other, under Major Maurice Moore, by land.

Proceeding from New-Bern along the coast, Major Moore reached Sugar Loaf, on the Cape Fear, and crossing that river, he made his way to South Carolina, where, being joined by reinforcements, he pressed on to Augusta, on the Savannah. In the meantime, by unparalleled exertions, the South Carolinians had driven off and conquered the Yamassees on the coast; and Major Moore, inheriting the boldness, energy and decision of his father, rapidly proceeded to Fort Moore, some seventy-five miles further up the Savannah, and from there crossed Rabun Gap and penetrated into the heart of the Cherokee country, a part of his force reaching Echota, on the Tennessee, beyond the Smokies, near where Fort Loudoun was subsequently built. He reduced that powerful tribe to entire submission, and made a treaty with them that for many years brought peace to South Carolina. On his return, so highly were his services esteemed, that the South Carolina Assembly invited him to their floor and tendered to him the thanks of that province in person.

During this expedition Colonel Moore viewed the lands on the Cape Fear, where there had been an unsuccessful effort at settlement in 1663, and also another attempt from South Carolina in 1692, and he determined to lead a colony to the Cape Fear, although the Lords Proprietors had forbidden any lands to be granted or taken up within twenty miles of that river.

On his return to North Carolina Colonel Moore actively participated in the public affairs of that settlement. In 1718, when there was suspicion that Governor Eden and Tobias Knight, the chief justice, and John Lovick, the secretary, were implicated in the piracies of the pirate Teach, Moore and Moseley and Vail possessed themselves of the secretary's office and of the journals of the Council and other papers relating to the Government in the secretary's office, and barred the secretary out until they had made a thorough examination of the records; and for this Moore and Moseley were punished by a court. They, however, by their

action, obtained a force from Virginia that captured Teach's ship after a battle in which the pirate himself was killed, and secured the execution of the pirate crew, and effectually put an end to the entertainment of pirates in the waters of North Carolina.

When Burrington came over as governor, in January, 1724, he was persuaded to ignore the directions of the Lords Proprietors forbidding lands to be granted on the Cape Fear, and Moore made a settlement on that river, in which he was joined by his brothers, Roger and Nathaniel, from South Carolina, and by his family connections both in South Carolina and from the Albemarle and Pamlico. He laid off and established in 1725 the town of Brunswick, about fifteen miles from the mouth of the Cape Fear, all that region being then embraced within the territory of Carteret Precinct, which extended to the southern limits of the province. Governor Burrington fostered this new settlement, and himself took up lands on the Cape Fear, where he established two plantations. The new colony prospered greatly from the first; but when Burrington came in as a royal governor, in 1731, his political disputes led to personal antagonisms, and becoming opposed to Moore, he sought to establish another town higher up the river in opposition to Brunswick, but without avail. However, his successor, Governor Johnston, purchased lands and became interested in the new settlement, then called Newton, which he later named Wilmington, and which he proposed to foster by every means at the expense of Brunswick. Within six months after his arrival he appointed courts to be held at Newton on the 13th of May, 1735, and designated Newton as a place for receiving quit-rents, and otherwise sought to make that place the seat of government for that part of the province. This antagonism of the interests centered in Brunswick led to much animosity, and Moore and his connections, who, because of their great wealth and powerful influence, gave the governor in his administration much trouble, were referred to by the governor's friends as "the family." The controversies raised on either side embroiled the entire province, until at length the governor made a compromise in 1740, and about that time Roger Moore, Edward Moseley and Eleazar Allen, who

were friends and connections of Colonel Moore, became members of the Council.

Colonel Moore was a strong man, and being a brother-in-law of Edward Moseley and stepfather of Sam Swann and of John Baptista Ashe, he was a directing influence in the affairs of the province. He was speaker of the Assembly of 1725, and was always a member of that body, and was in entire co-operation with those who controlled popular action among the people and gave direction to public affairs, and in all the controversies, from the purchase of the province by the Crown until his death in 1743, he was a moving spirit in securing the constitutional rights of the people.

While Colonel Moore was largely interested on the lower Cape Fear, his principal plantation was at Rocky Point, where he resided toward the close of his life and was buried.

On the death of his first wife Colonel Moore married Miss Porter, by whom he had three children, Judge Maurice Moore, General James Moore of the Revolution, and Rebecca, who became the wife of General John Ashe; and by his first wife he had a daughter, Elizabeth, who married Colonel Jones, and many of the prominent citizens of the Cape Fear are descended from him.

S. A. Ashe.





JAMES MOORE

AS distinguished and illustrious as were the statesmen of North Carolina during the Revolutionary period, her sons also excelled in the field of military operations; and among her contributions to the cause of independence, none was more brilliant than James Moore, whose career, however, was unhappily brought to an early close by disease in 1777.

His grandfather, Governor James Moore of South Carolina, was distinguished as a military officer, and his father, Colonel Maurice Moore, was esteemed for his military capacity all through life, even in 1743 being selected to command a force of a thousand men then raised for the assistance of South Carolina. By Miss Porter, his second wife, Colonel Moore had three children, Judge Maurice Moore, Rebecca, who became the wife of General John Ashe, and the subject of this sketch, who was born in 1737.

In his later years Colonel Moore resided on his Rocky Point plantation, and there these children were reared among their kindred, by whom they were surrounded. During the French and Indian War young James Moore was appointed captain of a company, and was assigned to the command of Fort Johnston. Governor Dobbs mentions that he gave a company to "Captain James Moore, who was a young gentleman of one of the best families of the province, and who for one year commanded in Fort

Johnston, who was expert in military discipline and well beloved in the province." At one time troops were needed for the defense of South Carolina, and Captain James Moore was directed to lead that expedition. His service at that early period of his life doubtless fitted him for command when the Revolution came on. He was a member of the legislature of 1764 and of subsequent Assemblies, representing New Hanover in that of 1769 and 1770. In 1768, when Governor Tryon organized his military force to put down the Regulators, he appointed Captain Moore a colonel of artillery, and put him in command of all the artillery used on that expedition. Fortunately, that episode ended without bloodshed. In 1771, when Governor Tryon was organizing another force to operate against the Regulators, he again appointed Colonel Moore to command the artillery, and in that capacity he accompanied Governor Tryon's army and participated in the battle of Alamance. His conduct on that occasion must have been entirely satisfactory and his efficiency was proved. When the crisis came in American affairs, Moore was a bold and intrepid leader. Of close kin to Howe, the Ashes, the Swanns, all substantially members of one household, he was animated by the common spirit of high resolve and resolute purpose. When the news was received on the Cape Fear that the port of Boston had been closed, there was a general meeting of the inhabitants of the district held at Wilmington on July 21st. William Hooper presided. A committee composed of Colonel James Moore, John Ancrum, Frederick Jones, Samuel Ashe, Robert Howe, Francis Clayton and Archibald Maclaine was appointed to prepare an address to the people of all the counties of the province, urging them to elect deputies to attend a general meeting to be held on the 20th of August. James Moore's name appears first to this circular letter, in response to which deputies were elected to the first Provincial Congress, which met at New-Bern, August 25, 1774.

This was the first recognition of the sovereign power of the people; the first appeal to them in their sovereign capacity, as the source of all political power. Colonel Harvey conceived the idea; James Moore and his associates acted upon it and made it

a reality. When the Committee of Safety was formed, he was one of the original members chosen by the inhabitants of New Hanover County. At the third Provincial Congress, held in August, 1775, of which he was a member, two Continental regiments were directed to be raised, and James Moore and his brother-in-law, John Ashe, were competitors for the post of honor as colonel of the First Continental Regiment. Colonel Moore was successful by a single vote, and at once began the organization of his regiment, which later assembled at Wilmington. At that time Governor Martin was on board his ship, Fort Johnston having been burned, and there perfected a plan for the subjugation of North Carolina and the Southern colonies. A large British force was ordered to co-operate with him, Stuart, the Indian agent, was to cause the Indians to fall on the outskirts of the provinces, and while the people were engaged in driving them back, the Loyalists of the interior, Highlanders and Regulators chiefly, were to embody under appointed officers and were to march to the coast and unite with the British forces. This plan, well devised, was in process of being carried into effect. On the 10th of January, 1776, Governor Martin, conceiving that the time had arrived, ordered "Brigadier-General Donald McDonald of his Majesty's forces, for the time being in North Carolina," to erect the King's standard and embody his forces. By the time General McDonald and his Tories were ready to march down and join Sir Henry Clinton, Colonel James Moore had begun to concentrate his troops below Cross Creek. A very brilliant campaign under Colonel Moore of near a month's duration ensued, that culminated in the battle of Moore's creek on the 27th of February, 1776. The troops that took part in the campaign were drawn from above Greensboro to the westward and from below New-Bern to the east, points that were some 200 miles apart. There were mounted men, infantry and artillery engaged in the campaign. The first order issued bore date the 3d of February, and the campaign closed victoriously on the 27th.

There were at least 6000 men actually on duty at various points, in consequence of the attempted junction between General Clinton

and the Highlanders. It was a very brilliant campaign, and reflected the highest credit on Colonel Moore, and he received the thanks of the Council and Provincial Congress, and immediately afterward, on the 1st of March, 1776, he was promoted by the Continental Congress to be brigadier-general, and with his brigade he hurried to Charleston, which became the object of British attack when their plans in North Carolina were defeated by the results of the victory at Moore's Creek. General Charles Lee had hurried to Charleston to meet Sir Henry Clinton's force, and Moore continued with him until General Lee went South to invade Florida, General Moore being then left in command of Charleston. In September, 1776, Lee returned to the North, and the Department of the South was entrusted to the care of General Moore.

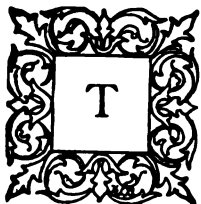
General Moore was a man of delicate organization and a frail constitution, in striking contrast with his heroic soul and fine intellectual capacity. The exposure to which he was subjected that summer and fall on the malarious coast of South Carolina proved fatal to him. His health gave way, and in January, 1777, he returned to the Cape Fear, and died on the 15th of that month, lamented by all the patriots of North Carolina. It is related that he and his brother, Judge Maurice Moore, expired in the same house on the same day and were buried together. Of General Moore it has been said "that he was perhaps the most masterful military man furnished by North Carolina in the war of Independence, and that probably he had no superior in military genius on the Continent."

General Moore was a brother-in-law of Mayor De Rossett of Stamp Act fame, having married Miss Ann Ivie, the sister of Mrs. De Rossett. He left two sons, Duncan and James, and two daughters, Sarah, who married Mr. John Swann, and Mary, who married Mr. William Watters. One of his descendants, Colonel Alexander Duncan Moore, who fell in the war of 1861, ranked high for his military attainments.

S. A. Ashe.



ALFRED MOORE



WO North Carolinians have adorned the bench of the Supreme Court of the United States, James Iredell, and upon his death, Alfred Moore.

Alfred Moore was a member of the distinguished family of that name whose services have for generations been so important to the people of North Carolina. He was a grandson of Colonel Maurice Moore and his wife, Mary Porter, and the son of Judge Maurice Moore and his wife, Anne Grange. General James Moore of the Revolution was his uncle. His father was bred to the law, had been educated in New England, was a judge in 1765, and because of his patriotic action in the Stamp Act proceedings, was removed by Governor Tryon, but under directions from the home government, was after some years restored to his office, and he continued to be one of the judges of the province until the expiration of the Court Law in 1773. He was particularly prominent in connection with the proceedings of the Regulators, with whom, in their early efforts to secure a redress of grievances, it is said that he sympathized; but upon their excesses at Hillsboro, he marched as a colonel in Tyron's force, in 1768, to suppress them. It has been said of him that he was "a learned jurist, an astute advocate, and a keensighted statesman." He was a forceful and accomplished writer, and the celebrated letter signed "Atticus," addressed to Governor

Tryon upon his departure from North Carolina, has been attributed to his pen. By his first wife, Miss Grange, he had the subject of this sketch, born the 21st of May, 1755, and a daughter, Sarah, who became the wife of General Francis Nash. Becoming a widower, Judge Moore married again, and possibly on that account his son Alfred, at the early age of nine, was sent, in 1764, to Boston to receive his education. While there, young Alfred became a favorite of a Captain Fordyce of the British army, from whom he learnt the elements of military science. Having returned home, on September 1, 1775, while not yet of age, he was appointed a captain in the First North Carolina Regiment of Continentals, commanded by his uncle, James Moore, and he served in the brilliant campaign that ended in the disastrous defeat of the Highlanders at Moore's Creek Bridge. Immediately thereafter the British army took possession of the lower Cape Fear, and his younger brother, Maurice, was killed at Brunswick. On the departure of Sir Peter Parker's fleet for Charleston, Colonel Moore's command and some of the North Carolina militia hurried to that point to meet them, and Captain Moore's company took part in the engagement at Charleston, where the North Carolinians behaved with such gallantry as to draw from General Charles Lee a high eulogium on their conduct. For nearly a year the command was on duty at the South, and Captain Moore rendered efficient service to his country.

On the 15th of January, 1777, General James Moore, whose health had failed, died at the home of his brother, Judge Maurice Moore, and it is said that both died in the same house on the same day, and were buried together. Captain Moore's brother-in-law, General Nash, succeeded to the command of the brigade, which was then ordered to join Washington at the North.

Not yet twenty-two years of age, bereft of his father and brother, and with the care of his father's family thrown upon him, Captain Moore felt compelled to retire from the army and resign his commission, which he did on the 8th of March, 1777. He had studied law and had been admitted to practice at the April term of 1775, and now he again took up professional work.

Although for three years there was no invasion of the State, yet there was much disaffection on the lower Cape Fear as well as in the interior of the State, and there was always need for vigilance and activity on the part of the patriots. Captain Moore, while no longer in the Continental Line, enrolled himself in the militia, and was ever a zealous partisan. Toward the close of January, 1781, Major Craig took possession of Wilmington, and his coming was the signal for the Tories to embody, and a vigorous partizan warfare was waged in all that region. A detachment sent by Major Craig plundered Captain Moore's house, burnt all the buildings, carried away his stock and negroes, and utterly destroyed his property; but his ardent patriotism was not shaken by these misfortunes, and he lost no opportunity to harass the enemy whenever an occasion presented. Judge Taylor is authority for the statement that Major Craig made every effort to kill or capture him, and failing, sent him an offer to restore his property and give him amnesty if he would return to his plantation and take no further active part in the war; but Captain Moore spurned these offers and never relaxed his efforts in the cause of Independence until the final triumph.

With the rank of colonel, probably in command of the militia of Brunswick County, Colonel Moore joined General Lillington and participated in the efforts to hedge Craig's forces within the territory adjacent to Wilmington.

On the 24th of March, 1781, he was judge advocate of a court martial held in Lillington's camp, near Beauford's Bridge, of which Colonel Kenan was president. He continued an active soldier until the British evacuated the Cape Fear.

Toward the close of the war he was in full practice, and at the June term, 1782, of the court for the Hillsboro District, the attorney-general being absent, "the court got the favor of Colonel Alfred Moore to officiate as attorney for the State, and without his assistance, which the court experienced in a very essential manner, they could not have carried on the business." At that term there were seven capital convictions, among them being some for high treason. Speedily afterward the General

Assembly appointed him attorney-general of the State to succeed Iredell, who had just resigned. He retained that position for eight years, when he resigned it and retired to his plantation. So popular was he that when a new county was cut off from Cumberland, in 1784, it was named Moore in his honor. In 1792 he represented Brunswick County in the Assembly, and in 1794 he was urged as a candidate for the Senate of the United States to succeed Hawkins, but he was defeated by Timothy Bloodworth by a single vote. His political sentiments were those of Washington and Hamilton rather than of Jefferson, but he doubtless agreed in his Constitutional views with Judge Iredell, whose dissenting opinion in the case of *Chisholm v. State of Georgia* became the corner-stone of the Democratic-Republican Party. In 1798, the Legislature being thoroughly Republican, he was elected one of the judges of the State; and his reputation was so high that on the death of Judge Iredell in October, 1799, he was appointed a member of the Supreme Court of the United States to succeed him. He remained on the bench until 1804, when failing health led to his retirement, and he died on the 15th of October, 1810, at the home of Major Waddell. Early in life Judge Moore was married to Miss Eagles, and by her had several children, one of whom, Anne, married Major Waddell.

Judge Moore was a warm friend of the University of North Carolina, of which he was a trustee from the date of its incorporation to 1807, and he ever sought to promote its prosperity.

Judge Murphey in an address before the literary societies of the University of North Carolina has said: "Two individuals who received their education during the war were destined to keep alive a remnant of our literature and prepare the public mind for the establishment of this University. They were William R. Davie and Alfred Moore. Each of them had endeared himself to his country by taking an active part in the latter scenes of the war, and when public order was restored and the courts of justice were opened, they appeared at the bar, where they quickly rose to eminence, and for many years shone like meteors in North Carolina. Public opinion was divided upon the question as to whether

Moore or Davie excelled at the Bar. Davie is certainly to be ranked among the first orators, and his rival, Moore, among the first advocates which the American nation has produced."

Chief Justice Taylor says that Judge Moore "discharged for a series of years the arduous duties of the office of attorney-general in a manner which commanded the admiration and gratitude of his contemporaries." And he speaks particularly of "his profound knowledge of the criminal law."

Taking him all in all, he was one of the most masterful men who have adorned the annals of North Carolina.

S. A. Ashe.





HARDY MURFREE

IN the Tennessee county of Rutherford is a town called Murfreesborough as a compliment to Hardy Murfree, an officer of the North Carolina Line in the Continental army during the war of the Revolution, who entered the service as a captain and came out with the rank of lieutenant-colonel. This gentleman was a native of Hertford County, North Carolina, where there is also a town of Murfreesborough; but the latter was named in honor of his father, William Murfree, not for Hardy Murfree himself, as is generally supposed.

William Murfree, father of our subject, was long a citizen of Hertford County, which was erected out of the counties of Chowan, Bertie and Northampton. In 1764 a change was made in the boundary of Hertford, and William Murfree was one of the commissioners who ran the line. About the year 1768 William Murfree became high sheriff of the county of Hertford, and held that post for several years. In the war of the Revolution he was an unswerving Whig, representing Hertford County in the Provincial Congress of North Carolina at Hillsboro, in August, 1775, and in the Provincial Congress at Halifax, in November, 1776.

The home of William Murfree was originally called Murfree's Landing, but in 1786 a town was laid out on his plantation and called Murfreesboro.

The date of William Murfree's birth was 1730. He married

Mary Moore, and left quite a number of children in addition to Colonel Hardy Murfree, of whose career we shall now speak.

Hardy Murfree was born on the 5th of June, 1752. He early showed a military inclination. As far back as May 28, 1772, we find on a roster of the Hertford Regiment of militia, made up by Colonel Benjamin Wynns, that Hardy Murfree had been serving as ensign, and was recommended for promotion to the rank of lieutenant. Soon there came a time when his services were needed for more serious purposes. The Revolution having commenced, he was commissioned on September 1, 1775, a captain in the Second North Carolina Continental Regiment, commanded by Colonel Robert Howe, afterward major-general. The Second Regiment was ordered to Virginia in December, 1775, and aided in the operations against Lord Dunmore. It did not, however, arrive in time to participate in the battle of Great Bridge, which was fought on December 9th, and it returned to North Carolina early in 1776. Votes of thanks to Colonel Howe and his men were passed both by the Virginia House of Burgesses and the North Carolina Assembly. Howe was made a brigadier-general in the Continental Army on March 1, 1776; and, on the 10th of April, Alexander Martin, afterward governor, became colonel of the Second. The esteem in which Hardy Murfree was held by General Howe may be gathered from a letter dated Savannah, Georgia, March 15, 1777, and addressed to Governor Caswell, in which Howe said: "Captain Murfree, the bearer of this letter, has through the whole service, since he commenced as an officer, every part of which has been very fatiguing, and some of it dangerous, behaved with spirit and in every way worthily. I wish to recommend him to the notice of his country, which he truly deserves."

On November 22, 1777, Lieutenant-Colonel John Patten succeeded to the command of the Second Regiment upon the resignation of Colonel Alexander Martin, and Patten was the last colonel under whom Major Murfree served while he remained in the Second.

In a letter from Major Murfree dated October 25, 1777, from

Hertford County (where he was on recruiting duty), he speaks of preparing to go to the main army, so he no doubt reached it in time to have a share in the terrible winter experiences of 1777-78 at Valley Forge, as well as in the battles fought by Washington about that time. He was at the battle of Monmouth, in New Jersey, on the 28th of June, 1778.

Murfree's most daring exploit during the Revolution, and the one which gained for him the greatest renown, was the part he bore in the capture of Stony Point under General Wayne, before dawn on the 16th of July, 1779. Washington himself prepared the plans for this attack, and the men who carried them out were much of the same make-up as Wayne himself, who, when asked by the commander-in-chief if he was willing to storm the fort, answered: "I will storm Hell if you plan it." In his "Story of the Revolution" Henry Cabot Lodge describes the assault on Stony Point in these words: "Major Murfree and his North Carolinians in the center were delayed by the tide in crossing the morass, and as they came through they met an outpost. A heavy fire of grapeshot and musketry opened upon them. On they went without a pause as if they were the only troops on the field, and every other column and division did the same. Wayne himself led the right wing. As he crossed the abatis a musket ball struck him on the head, bringing him down and wounding him slightly. Dazed as he was by the blow, he called out that if he was mortally hurt he wanted to die in the fort, and his aides picked him up and bore him forward. The rush of the well-directed columns was irresistible. So swift and steady was the movement that they passed the abatis and went up and over the breastworks without check or hesitation. All was finished in a few minutes. Some heavy firing from the works, a short, sharp rush, a clash and push of bayonets in the darkness, and the Americans poured into the fort." In Wayne's first despatch to General Washington he did not properly credit Major Murfree and some of the other officers who had contributed to the success of the enterprise, and he hastened to make amends for this neglect. Writing under date of August 10, 1779, to President John Jay, who had transmitted

to him some resolutions (relative to his exploit) which the Continental Congress had passed, Wayne said: "Whilst I experience every sensation arising from a consciousness of having used my best endeavors to carry the orders of my general into execution, I feel much hurt that I did not, in my letter to him of the 17th of July, mention (among other brave and worthy officers) the names of Lieutenant-Colonel Sherman and Majors Hull, Murfree and Posey, whose good conduct and intrepidity entitled them to that attention. Permit me, therefore, through your Excellency, to do them that justice now which the state of my wound diverted me from in the first instance."

On February 17, 1780, about seven months after the affair at Stony Point, the marriage of Major Murfree took place in Hertford County. Of this marriage we shall speak later on. He was, during that year, on recruiting duty in his native county, also finding occasion in the fall to march into Virginia in pursuit of the enemy. Hertford County and its vicinity were invaded by plundering bands of Tories on several occasions. Speaking of one of these in a letter to General Sumner, dated Murfree's Landing, July 22, 1781, Murfree said: "A party of the enemy came from Suffolk to South Key on the 16th instant and destroyed the warehouses, rum, tobacco, etc., at that place. The next day they marched to Wine Oak and Maney's Ferry, which is within twelve miles of this place, and burned Mr. Maney's dwelling house, with upward of one hundred barrels of sugar, a large quantity of rum, rigging, coffee, etc. They also destroyed a large quantity of rum, sugar, coffee, wine, etc., at Wine Oak, took all the horses, and plundered the inhabitants in a cruel manner. They were expected at the Pitch Landing, which is four miles above this and a place of considerable trade. I turned out and raised between sixty and seventy men and took post at Skinner's Bridge, on the Meherin River, an advantageous post, which is generally supposed to have prevented their coming this far. . . . I should be much obliged to you, if I am not greatly wanted in camp, to let me stay in this part of the country while the enemy continues so near."

A letter written to the governor by Murfree on the 7th of Sep-

tember, 1781, shows that he was restive on account of the inactivity which was then his lot. He says: "I have no command, and would wish to be doing something. If I had permission, I could raise a party of horsemen. . . . After completing the party, with your Excellency's permission, I will march to Virginia."

Murfree's commission as lieutenant-colonel in the Continental Line of North Carolina bore date from April 1, 1778, but it was not issued until a year or more thereafter. In the time intervening he continued to act as major. Owing to the re-arrangement of the regiments early in 1778, there was confusion as to the ranks of officers, and some of these cases were not settled until 1782, though the commissions then made out were to date from 1778. During the summer of 1782 Colonel Murfree was part of the time in camp at Bacon's Bridge, near the Virginia boundary, and part of the time on recruiting duty at his home in Hertford County. In March, 1782, he was president of a board of officers to settle ranks of the different officers and designate regiments to which they should be attached. In the following month (April, 1782) he was brigade commander in the absence of General Sumner.

Though determined to remain in the field as long as he was needed, Colonel Murfree was anxious about the condition of his family, and wished to retire in the fall of 1782, when the war was about over, Cornwallis having surrendered a year before. From Halifax, on November 22, 1782, Murfree wrote General Sumner: "It will suit me to retire, agreeable to the resolve of Congress, having a family that cannot do well without my presence." It was not until the 1st of January, 1783, however, that Colonel Murfree was regularly discharged, or "deranged," as the rosters call mustering out.

Both during and after the Revolution Colonel Murfree was commissioner of confiscated property for the district of Edenton, being one of those charged with the duty of carrying into effect the acts which the Assembly passed providing for the confiscation of the property of those who sided with the King. When the North Carolina Society of the Cincinnati was established in 1783,

Murfree was a member, and is now represented therein by one of his descendants, William Law Murfree, son of the late Professor William Law Murfree of the Law Department of the University of Colorado.

A few years after the war Colonel Murfree was summoned, with other Continental officers, to appear before a legislative committee and testify against persons charged with frauds in connection with public lands. After these witnesses had testified the Assembly passed a resolution, December 26, 1787, expressing its "high and proper sense of the laudable conduct, ready attendance and former as well as present public-spirited exertions of those gentlemen."

On January 5, 1787, Murfree was elected lieutenant-colonel commandant of North Carolina militia for the district of Edenton.

Prior to the breaking out of the war young Hardy Murfree became engaged to Sally Brickell, daughter of the Hertford County Revolutionary patriot, Lieutenant-Colonel Matthias Brickell, and his first wife, Rachel Noailles. The first of the name of Brickell who came to North Carolina were two brothers, John Brickell, M.D., a naturalist and one of the earliest historians of the colony, and the Rev. Matthias Brickell, a clergyman of the Church of England. Both of these gentlemen came to North Carolina under the patronage of Governor George Burrington. Colonel Brickell, above mentioned, was a son of the parson. His wife, *née* Noailles, was of Huguenot ancestry. While the fierce battles of Washington's northern campaigns were being fought, Sally Brickell was more than once shocked by reports of the death of Murfree, but he safely came back with his well-won honors, and they were married on February 17, 1780, before hostilities closed. To this union were born seven children, two sons, William Hardy and Matthias Brickell, and five daughters.

Colonel Murfree's wife, mother of the above children, died March 29, 1802, prior to her husband's removal to Tennessee.

While a young man Hardy Murfree became a Mason, and took an active interest in the order up to the time of his death. Prior to the Revolution, Provincial Grand Master Joseph Montfort had chartered Royal William Lodge, No. 8, at Winton, in Hertford

County. It was numbered 6 after the war. When the Grand Lodge of North Carolina was reorganized at Tarborough on the 27th of December, 1787, the delegates from this lodge were Hardy Murfree, Patrick Garvey and William Person Little. Anything "Royal" could not enjoy much popularity in the patriotic county of Hertford after independence had been won, so, in 1799, Royal William Lodge surrendered its charter, and Colonel Murfree became connected with a new lodge named for that illustrious Mason who had been his commander-in-chief in the war for independence. This was American George Lodge, No. 17, at Murfreesboro. No sooner had Colonel Murfree gone to Tennessee than he also began to labor for the upbuilding of Masonry in that State. In the archives of the old Grand Lodge of North Carolina and Tennessee, now deposited at Raleigh, we find a letter from him, dated "near Franklin," October 25, 1808, enclosing a petition, dated October 13th, from nine Masons, asking for a dispensation to establish Franklin Lodge, which was later chartered (December 11, 1809) as Hiram Lodge, No. 55, of North Carolina, and No. 7 of Tennessee.

It was about the year 1807 that Colonel Murfree left North Carolina and made his home in Williamson County, Tennessee, not many miles from Franklin, at a place known as Murfree's Fork of West Harpeth River. In the adjoining county of Rutherford was the town of Cannonsburgh, and the name of this was changed to Murfreesborough, as a compliment to Colonel Murfree, in 1811, after his death. Murfreesborough was the capital of Tennessee from 1819 till 1826, and many fierce battles of the war between the States were fought in its vicinity.

Colonel Murfree died in Williamson County, Tennessee, on the 6th of April, 1809, but it was not until the 9th of the following July that the Masonic and other public ceremonies were conducted over his grave. Describing the latter occasion, the *Democratic Clarion*, a Nashville newspaper, in its issue of July 21st, said in part: "On the procession arriving at the gate of the garden, the Philanthropic Lodge stopped, and the Franklin Lodge advanced first to the grave. At the conclusion of the Masonic

funeral rites, the subjoined oration was delivered by Felix Grundy, Esq., after which the military advanced and fired three volleys over the grave. The surrounding hills were covered with vast numbers of people, and the awful silence which pervaded such an immense crowd evinced the feelings of the spectators for the memory and virtues of the deceased."

The above-mentioned oration by Judge Grundy is reprinted in the *Raleigh Register* of September 14, 1809. Further interesting data as to Colonel Murfree will be found in a pamphlet entitled "Proceedings of the Tennessee Historical Society at Murfreesborough, December 8, 1885." This work contains an account of the presentation of the sword of Colonel Murfree to the Tennessee Historical Society on behalf of his descendants, the address of presentation being made by one of that number, Major David D. Maney, who, in conclusion, said: "In the name of all his descendants, this sword is now committed to the guardianship of the Historical Society as a most interesting relic and memorial of one who, if he may not be considered one of the founders of the Republic, was the friend, the companion and the ever faithful co-laborer of those who were its founders. The Revolutionary worthies have all passed away, but their work remains, stupendous and magnificent, surpassing their most sanguine conceptions or wildest dreams. It is that of a great Republic, founded on the inalienable rights of man, existing under a benign Constitution and equal laws, upon a theatre so vast, and presenting an aggregate of happiness, prosperity and enlightenment, as was never before attained in any age or country."

In addition to the address by Major Maney just quoted, the above pamphlet contains the speech of acceptance by President John M. Lea of the Historical Society, and a biographical sketch of Hardy Murfree by his grandson, the late Colonel William Law Murfree, whose father was William Hardy Murfree, heretofore mentioned. A daughter of Colonel William Law Murfree is the novelist Miss Mary Noailles Murfree, better known (by her pseudonym) as Charles Egbert Craddock.

Marshall De Lancey Haywood.



JOHN MILTON ODELL



THE career of Captain John Milton Odell, whose name is so closely associated with the development of the milling interests of North Carolina, and particularly with the growth and prosperity of Concord, presents a remarkable illustration of the capabilities of former Confederate soldiers to achieve distinction in the paths of peace. It is a reflection that must be gratifying to every patriotic North Carolinian that, great as has been the development of the industrial interests of our people, many of the leaders and most successful men in these new enterprises are North Carolinians by birth, and in their earlier days were among the brave and gallant followers of Lee and Jackson, and showed their manhood by their endurance and courageous daring during those days of Southern heroism. Magnificent soldiers they were in war, and now they have become great captains of industry in peace.

Captain Odell sprang from a parentage whose traditions were well calculated to nourish a bold and active spirit among the men of that family. His great-grandfather, Nehemiah O'Dell, emigrated from Ireland, landing at Halifax, Nova Scotia, but eventually located in Pennsylvania, near the city of Philadelphia. He was fond of sport, and often in the winter's evenings around a blazing log fire at the North Carolina home of his son Isaac he would tell of his adventures and of the fine deer he had killed at

the very spot where a century later the first Centennial Exhibition was held in the United States. His son, Isaac O'Dell, married Mary Bowden and settled in Randolph County. Of Mary Bowden it is related that while a little girl she gave an exhibition of the bravery and spirit which characterized alike the men and women of the Revolutionary period.

One day a party of Redcoats rode up to her father's house, and taking possession, demanded food for themselves and for their horses. After seeing the animals fed, they returned to the house to regale themselves. Mary seeing her opportunity, opened the barnyard gate and turned the horses loose, so that when the troopers were ready to remount and start on their journey in pursuit of some enterprise, they found themselves delayed and lost the opportunity to accomplish the purpose they had in view.

A son of this union, James O'Dell, married Anna Trogdon, who was a daughter of Solomon Trogdon and his wife, Tabitha Yorke. Her father, Solomon Trogdon, was a soldier in the American Revolution, and during one of his encounters with the British was captured by Tarleton, but fortunately effected his escape and was able to join General Greene, and fought at the battle of Guilford Court House. Their son, John Milton Odell, the subject of this sketch, was born January 20, 1831, on his father's farm near Cedar Falls in Randolph County, and grew to manhood under the guiding care of his parents, studying in winter and helping on the farm in the summer. He made such good use of his opportunities that after completing his education he himself was prepared to teach, and he taught school for several years, doubtless receiving benefit from this employment not only in the way of intellectual training, but in the self-discipline imposed by this occupation. In April, 1856, he became interested as a stockholder in the Cedar Falls Manufacturing Company, and he was engaged until the spring of 1861 as a salesman in the store of that company, being there closely associated with Mr. John B. Troy, whose character, founded on the bedrock of truth and honor, was an inspiration and confirmed him in his adherence to high ideals in business life. The war breaking out,

he gave up this position, and with his brother Laban raised a company of which he became the captain, his brother being first lieutenant. The company was known as the Randolph Hornets, and was organized in June, 1861, as Company M of the Twelfth Regiment of North Carolina Volunteers, Colonel J. Johnston Pettigrew being the colonel; but later, when the ten regiments of State troops were organized, taking precedence in number over the volunteer regiments, this became the Twenty-Second Regiment. Carefully trained and disciplined by that admirable officer, Colonel Pettigrew, the career of this regiment during the entire war reflected the highest credit on the State. Immediately on its organization it was ordered to the banks of the Potomac, and then to the Peninsula. Captain Odell, who possessed every characteristic that could fit him for a conspicuous military career, was identified with its fine record on the Potomac and in the Peninsula, until after the battle of Seven Pines; when the period of his enlistment having expired, and the regiment being reorganized, because of feeble health he retired from the service, being succeeded in command of his company by his brother. Of his brother it may be said that he was a magnificent soldier; that his daring and courageous action at Marye's Heights brought him merited promotion as major of the regiment, and that after passing through many perils, he fell mortally wounded on May 3, 1863, during that famous movement of Stonewall Jackson, when he led the North Carolina brigades across Hooker's front, and striking the Federal army in rear and in flank, gained the great victory of Chancellorsville.

Captain Odell, on returning home, resumed his connection with the Cedar Falls Manufacturing Company, becoming a stockholder in it, and acting as its business agent. Thus for more than forty years he has been engaged in manufacturing in North Carolina, having had a longer connection with that business than any other manufacturer now living in the State, and standing among the first in successful achievement and in the importance of his various enterprises.

In 1877 he bought the old McDonald Mill at Concord, one of

the oldest mills in the State, built in 1839, having then but two thousand spindles and fifty looms. Under his splendid management this mill has since become the parent of a system composed of five mills, running 43,000 spindles and 1800 looms, with a cash capital of \$600,000.

In this field of work Captain Odell has no superior in the State; and as an organizer and manager he has been particularly successful. No strike has ever occurred at any of his factories, and he has been able to maintain at all times the most pleasant relations with his employees. The erection of his mills has been accompanied by the establishment of schoolhouses and of churches, and he promotes every influence that tends to the advantage of those in his employment, so that they regard him as a friend and not merely as the head of the corporation.

So successful has he been in his cotton manufacturing that he has advanced step by step in increasing his interests in that line of industry. He was largely instrumental in organizing the Odell Manufacturing Company, the Cannon Manufacturing Company, and the Kerr Bag Manufacturing Company, all at Concord; the J. M. Odell Manufacturing Company at Bynums, Chatham County, North Carolina; the Durham Cotton Manufacturing Company and the Pearl Cotton Mills at Durham; the Salisbury Cotton Mills at Salisbury, and the Southern Cotton Mills at Bessemer City.

On organizing each of these companies he became the president and retained the management until a few years ago, when he preferred to devote his attention more exclusively to the business of the Odell Manufacturing Company and the Kerr Bag Manufacturing Company, the factory at Bynums, the Southern Cotton Mills, and his individual enterprise, the Magnolia Mills, Concord, North Carolina.

Besides being interested in cotton manufacturing, Captain Odell has organized many other enterprises that have given life and growth and prosperity to Concord. Possessing fine executive abilities and gifted with business talents of a high order, he has devised improvements and carried them into operation with a success that commands admiration. He is a charter member of

the Greensboro National Bank, and has been a director since its organization; he is president of the Concord National Bank, and until recently he directed the affairs of the Concord Electric Light Company; indeed he has been the greatest factor in the improvement of Concord.

A sagacious financier, he has year by year made handsome additions to his fortune, and has increased his great business until he has attained an eminent position in financial as well as in industrial circles, and he takes rank among the foremost men of the State for high capacity as well as for integrity, prudence and successful management.

Prior to the war Captain Odell affiliated with the Whig Party, but since the war and reconstruction times, he has been a Democrat; and while not seeking public office or political preferment, he has exerted a large influence among his Democratic associates. The members of his family on both the maternal and paternal sides have for generations been Methodists, and he has ever been loyal to the interest and welfare of his church; and throughout life he has always been a strict observer of high moral principles, while in social life he is a fine type of the Christian gentleman.

Captain Odell has been twice married. His first wife was Rebecca Kirkman, a daughter of Robert Kirkman, Esq., of Randolph County, to whom he was married on March 9th, 1854, and who bore him two sons, William R. Odell and James T. Odell, and one daughter, Ollie Makepeace Durham, wife of S. J. Durham, Bessemer city. Mrs. Odell died June 13th, 1889, and on August 4th, 1891, he married Mrs. Addie A. White, daughter of R. W. Allison and Sarah Anne Phifer Allison of Concord, North Carolina.

S. A. Ashe.

THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX AND
TILDEN FOUNDATIONS
R L

year, in marrying Miss Mary J. Prescott, who, eminent in the superior qualities of Christian womanhood, has proven a uniformly excellent helpmeet.

In 1868 he moved to High Point, North Carolina, where he enlarged his mercantile business by adding a wholesale department to the retail.

From High Point he moved to Greensboro, North Carolina, in 1872, where he engaged in the same business. Later, a hardware department was added, and in 1884 the dry-goods business was discontinued, and the entire energies of the business were concentrated on hardware and kindred lines, being incorporated under its present title, The Odell Hardware Company, of which he is still president. This firm now occupies handsome and commodious quarters, and, it is claimed, transacts the largest business of its kind not only in the State, but throughout the entire Southern section of the country, maintaining the reputation for reliability and standard goods. Mr. Odell, the founder of the business, is regarded as the pioneer of the wholesale business in Greensboro.

Besides his long, successful career in the mercantile business, Mr. Odell is identified with a number of other enterprises that contribute to the prosperity of the community. He built the first cotton mill that was started in Durham, North Carolina, in 1884, with which he is still connected. He is also interested in the cotton mills at Concord and Bynum, North Carolina, being vice-president of the Odell Manufacturing Company and a director in the Kerr Bag Manufacturing Company and the J. M. Odell Manufacturing Company. He is also a stockholder in the Morgan and Hamilton Company at Nashville, Tennessee, a director in the Greensboro Loan and Trust Company and the Greensboro Life Insurance Company. Throughout his business career he has steadily won success on solid, honest methods and principles without attempting high-cut methods of getting something for nothing.

While noted as a busy man, giving strict attention to his private affairs, he is also noted for his public spirit, manifested in civic,

moral, educational and religious interests. As a citizen he is loyal to the principles of civic righteousness. While a staunch Democrat, he is not a blinded partizan. Being wise enough to see an error, he is brave enough to rebuke it, whether in an ally or opponent. Always standing firmly on the right side of any moral issue, he has contributed much to the formation of municipal reform, of temperance and other causes that make for the betterment of a community. When serving on a jury, good citizens feel that in him the law will be honored through a just verdict. In the last municipal election (1905), when factions threatened to increase amid complex conditions, Mr. Odell was worthily honored in being elected alderman by an overwhelming majority. In arranging for the meeting of non-resident citizens of North Carolina, Mr. Odell is found active in work and liberal in contribution.

Besides contributing of his means to the education of worthy young people, he has rendered a valuable service to the cause of liberal education in his contribution to institutions of learning, especially in behalf of Greensboro Female College. When this time-honored institution was threatened to be sold, about 1882, Mr. J. A. Odell, with a few other liberal-spirited men, came forward and assumed financial responsibility, and established the college on a stronger basis than ever before, making it the leading college for Methodism in the State. For over twenty years his best thought and effort were devoted to this college, which he loved. And when at last conditions arose that brought another crisis in the history of the college, and when the few men that had been running the institution upon their own responsibility felt that they could assume such obligations no longer, Mr. Odell was not found wanting in liberal response to the appeals from Greensboro Female College Alumnae in behalf of saving their beloved alma mater, being one of the most liberal contributors to this cause.

In the direct interests of the church his labors have also been abundant. For more than twenty-five years he has been a member of the Board of Stewards of Greensboro West Market Street

Methodist Church, a large part of the time serving as chairman. For nearly a quarter of a century he has been treasurer of the joint Board of Finance of the North Carolina and Western North Carolina Conferences of the Methodist Episcopal Church, South. He was elected a delegate to the General Conference of this church which met in St. Louis in 1890, to the General Conference in Memphis, 1894, and in Dallas, Texas, 1902. For twelve years he was a member of the Book Committee of the Methodist Episcopal Church, South.

He has devoted his characteristic business wisdom and energy in behalf of his own local church. To him much is due in the building and equipment of Greensboro West Market Street Church, costing about \$50,000.

As the minister's friend, he advocates a liberal salary and comfortable home, in due provision for which he is ever ready to lead with liberal contribution.

Reverent for the sacred, he deprecates frivolity without being austere; loyal to truth, he repudiates shams without being foggyish; and loyal to duty, he rebukes unfaithfulness without being unkind.

In his home are blended substantial comfort and plenty without luxuriousness and extravagance, welcoming the friendly visitor with a genuine Southern hospitality. Whether in private or public, he is the same uniform character, esteemed the more by rich and poor the better he is known. Temperate and regular in habits, he enjoys vigorous health; systematic and punctual in work, he "drives his business" instead of letting his business drive him. With a heroic spirit, he has not been afraid to attempt the difficult work or the solution of complex problems of life. With an honest, industrious spirit, he has effectually attained unto eminence by using simple means when better could not be had. He has thus adapted himself to the growing, complex obligations without a compromise of principle, and has done plain, hard work without a compromise of honor.

To the thoughtful youth an invaluable principle is illustrated in the subject of this sketch. Back of the substantial elements of

such character and of the achievements of such conduct is traced a life begun aright when young. To all thoughtful minds the corresponding principle is manifested that, being obedient to duty, he has won that mastery of privilege, ever crowning a life with the victory called success.

S. B. Turrentine.



THE NEW YORK
PUBLIC LIBRARY
ASTOR LENOX
TILDEN FOUNDATION
F L

cultured, Christian woman. They have in Concord, North Carolina, one of the handsomest and costliest homes in this State, and they have been blessed with three sons, all of whom are now living and one of them is married. His children's names according to age are Fred C., Ralph M., and Arthur G. Fred C. was married to Miss Merrimon of Greensboro, North Carolina, on the first day of June, 1904; she was a granddaughter of Chief Justice Merrimon.

After merchandising for some years in Concord, he began with his father the manufacture of cotton in Concord and elsewhere, in which he has been eminently successful. He is now secretary and treasurer of the Odell Manufacturing Company at Bynum, North Carolina; secretary and treasurer of the Kerr Bag Manufacturing Company at Concord, and director of the Concord National Bank, in all of which great business institutions he is an influential and efficient factor for their prosperity and success, and thus he is one of the South's "great captains of industry."

And with all of these great works engaging his attention and honest care, he has found time to be for years an active school committeeman for the graded schools of Concord, which are among the very best in all respects in North Carolina; to be a commissioner for the city of Concord, and is prominent in the administration of our city government, and is now also State senator from Cabarrus and Mecklenburg counties, one of the most important senatorial districts in North Carolina, and one without a superior in its moral, intellectual and financial force in this State. Thus verifying the old saying: "If you want anything well done, ask a busy man to do it."

He was a prominent and influential Senator in the Senate Chamber and committee work of the General Assembly of 1905, and he was a forceful factor in the passage of the law for increasing the pensions of Confederate soldiers, chapters 358 and 408 of the Public Laws of 1905, of which two acts he was the author, and in the passage of the law "To prevent the dealing in futures" in this State, chapter 358 of Public Laws of 1905. And I think it can be safely said that this latter act would not have passed the

Senate but for his influence and his speech in its favor in the Senate Chamber. And this is much to his credit in view of the fact that this act was fiercely fought by many large cotton manufacturers in Mecklenburg and other counties of this section of North Carolina.

Its enactment was greatly needed and is very beneficial in this State, where the "Bucket Shops" as local places for selling futures are called were working havoc with the morals and money of young North Carolinians.

Senator Odell also introduced a bill to reduce the poll tax in North Carolina, but it failed to become a law for want of time more than any other cause.

From early life Mr. Odell has been a pious member of the Methodist Episcopal Church, South. He is now and has been for sixteen years a member of the Forest Hill Church in Concord, and for some length of time has been superintendent of its Sunday-school, and in all his relations of life he is a worthy member of this great branch of the Church of Christ on earth.

For the strengthening of sound ideals and to help young people to attain true success in life, he earnestly commends faithfulness to every duty, great or small, integrity, energy and perseverance.

Paul B. Means.



THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX AND
TILDEN FOUNDATIONS

F

L

Lodge of Masons of the State, and in 1830 and 1831 Deputy Grand Master; in 1833 and 1834 he was Grand Master, and no one in the State was more highly esteemed by his fellow-Masons. His career had been one of unvaried success and good fortune. His association with the public men who during the fifteen years of his connection with the legislature had been members of the General Assembly had won for him their confidence and esteem, and his promptness, fidelity and integrity had made a most favorable impression throughout the State. Having begun business on his own account upon leaving the employment of his uncle, he had so successfully managed his affairs that he enjoyed the reputation of being an excellent financier and business man. At the General Assembly of 1835, although he was a strong opponent of the policies of General Jackson, and the legislature was largely composed of the friends of General Jackson, he was elected public treasurer of the State, succeeding William S. Mhoon. He held this position for two years, a part of the same time likewise discharging the duties of president of the Bank of the State, and adding to his reputation as one of the best financiers of North Carolina. But in 1837 he retired from office and returned to his business in Wilkesboro.

In 1840, three days in June had been devoted to festivities celebrating the completion of the Capitol and of the Raleigh and Gaston Railroad, and in that year Mr. Patterson, who was an early promoter of internal improvements and an able financier, was elected president of that, the first railroad completed in the State, and he moved to Raleigh so as to discharge the duties of that office. In 1845, however, his father-in-law, General Jones, died, and Mr. Patterson resigned his position as president of the Railroad Company and returned to the Yadkin Valley, intending to devote the remainder of his life to his farming interests. Largely through his influence, in 1841, Caldwell County had been erected out of portions of Burke and Wilkes, and Mr. Patterson's home, known as "Palmyra," was in the new county. Immediately on his return to Caldwell County he was elected chairman of the Court of Pleas and Quarter Sessions, having the manage-

ment of all the internal affairs of the county, and he held this office until the old system of county courts was abolished by the constitution of 1868.

The next year, 1846, he was chosen to represent his county in the Senate, and was again elected in 1848.

At that time the affairs of the Raleigh and Gaston Railroad had become hopelessly embarrassed. There was not business enough or sufficient earnings to pay the running expenses. Governor Graham, Mr. Patterson and the other friends of internal improvements were greatly discouraged, and recognized that some great effort should be made to sustain the Raleigh and Gaston Railroad by constructing an interior line that would serve as a feeder to it and give it a greater volume of business, while at the same time affording needed facilities to other parts of the State. Mr. Patterson, who was among the foremost of those who advocated internal improvements, was chairman of the Committee on Internal Improvements, and drew a bill proposing to charter a road from Raleigh to Salisbury, and giving some State aid to it. This measure, however, did not receive sufficient favor to secure its passage. The friends of internal improvements, then the most important matter in the public mind, were almost in despair. Mr. William S. Ashe, senator from New Hanover, and a Democrat who differed with his party friends on this particular subject, was appealed to to prepare another bill. He did so, proposing to incorporate a road from Goldshoro to Charlotte, and appropriating \$2,000,000 as State aid. At first the magnitude of this work and the great amount of money appropriated staggered even the most ardent of the advocates of internal improvements; but eventually that bill was substituted for the one proposed by the Committee on Internal Improvements and was passed by the casting vote of the speaker of the Senate. As Mr. Dudley was the leader of internal improvements in the east, so in like manner is the west indebted to Mr. Patterson for his efforts to promote the interests of the western part of the State in that respect.

In 1854 he again served his people in the legislature, being a member of the House of Commons, and during the war, in 1864,

he was for a third time elected to the Senate. After the restoration of peace, a convention was elected in October, 1865, and in 1866, there being a vacancy in that body from Caldwell County, he was elected a delegate to that convention. In the same year he attended what was known as the Philadelphia Peace Convention as one of the delegates from North Carolina, the object in view being to establish fraternal relations between the sections of the Union and to restore harmony and good will among the people. This convention was presided over by Reverdy Johnson of Maryland, and was largely attended by delegates from the New England States; and while it had some effect in staying the hands of the irreconcilables in Congress for a time, it did not entirely defeat their will and purposes, and the next year the Reconstruction Acts, destroying the State governments at the South and establishing new State governments on the fundamental basis of negro suffrage, were passed.

In 1868 General Patterson was nominated on the State ticket by the Conservative Party for the office of superintendent of public works, a new position established by the constitution of 1868. But he and his party at that election went down in hopeless defeat, the only defeat, such as it was, that he ever met before the people. Among the less important places that Mr. Patterson held during his long career of public activity was that of clerk of the Superior Court and clerk and master in equity; in 1839 he was Indian commissioner; he was also elected by the legislature brigadier-general and afterward major-general of the State militia, and he thus became entitled to be known as General Patterson.

For many years he was a justice of the peace, and a trustee of the State University for a third of a century.

General Patterson was a member of the Protestant Episcopal Church, and for many years was vestryman, warden and lay reader of his parish church; and in 1871 he was one of the lay delegates from the diocesan convention of this State to the general convention held in Baltimore.

Such is the succinct record of his public life.

Beginning as a clerk in the legislature of 1821, there was not

a year for half a century in which he was not honored by the State of his adoption until, after fifty years of continuous service, he fitly closed his career by representing her in the grand council of the church he loved. What man in the State has ever lived a busier, more useful, purer life? Who, having so many and great trusts confided in him, has fulfilled them more worthily? He never sought any civil office which would withdraw him from North Carolina. His history, together with the history of a few of his peers and associates, was for many years the history of the State. Such men, so strong in mind and body, so pure in heart and hand, so steady, so resolute and so wise, during half a century of usefulness, influenced insensibly to themselves thousands whom they met and thousands more who honored them because of their acts. The study of his character and the character of men like him, who controlled the destiny of North Carolina in times past, will show something of the reason why the State has been so little known abroad, so loved and revered at home.

They were like those Romans, spoken of by Sallust, who lived in the nobler days of the Republic, who would rather do great deeds than write about them—a people among whom the wisest were also the busiest citizens, and who, disdaining to cultivate their minds at the expense of their bodies, so used both as to accomplish the greatest good to the commonwealth. General Patterson, although he held so many and various offices, and gave so much time and attention to public affairs, was for the last thirty years of his life properly a farmer. By this pursuit he supported himself while he served the people. His farm was a model of neatness and thrift; he was zealous in introducing new seeds, improved implements and better methods of cultivation; he was a constant reader and frequent contributor to the columns of agricultural journals, and was justly regarded as an authority in matters pertaining to husbandry. His domestic life was as even, as useful and as pure as his public life.

His home was attractive, and in the company of his wife and two sons, Rufus L. Patterson and Samuel L. Patterson, he was entirely happy; but being given to hospitality, he rejoiced at the

presence of many guests. No one who was ever a guest at "Palmyra" can forget the stately figure which welcomed him or bade good-by with such kindly, heartfelt courtesy. Nor was his generosity confined to his own premises; many a poor neighbor, both white and black, lamented the death of the dear friend who never forgot either their necessity or their self-respect, and gave as delicately as wisely.

He died at his home, January 20, 1874, as peacefully as he had lived.

S. A. Ashe.



THE NEW YORK
PUBLIC LIBRARY
ASTOR LENOX AND
TILDEN FOUNDATIONS
P L

mother was a daughter of General William Lenoir, one of the great men of our State, eminent in war and in peace, in public service and in neighborhood circles. He was in the arduous expedition of Rutherford, which crushed the hostile power of the Cherokees. He was wounded in the daring assault up Kink's Mountain when Ferguson's force was captured. After the war for many years he was major-general of the militia, when efficient organization and discipline were maintained; an active member of the Constitutional Conventions of 1788 and 1789, opposing the Federal Constitution unless with amendments clearly safe-guarding the rights of the States; long a trusted commoner and senator in our State legislatures; elevated to the office of president of the Senate, then second only in honor to that of governor; one of the exalted men named as charter members of the University. He had the distinction of being the first president of the Board of Trustees, and went to his grave in 1838 the last survivor of his colleagues. The appreciation of his merits by the public is shown by his name being given to an eastern county and a western town. His family was Huguenot, settling first in Edgecombe and thence moving to the fair valley of the upper Yadkin.

There is a theory that poor lands pull down the character of its cultivators, and that rich lands produce not only abundant crops of well-filled grain, but strong, handsome and intelligent men and women. Not stopping to deny or acquiesce in this, I state as a fact that the lovely and fertile country through which flows the upper Yadkin and its tributaries has been for years the home of a prosperous, high-toned and harmonious people. In that part of it designated by admiring visitors as the Happy Valley, on a farm called Palmyra, the valley containing the ancient homes of his Lenoir and Jones ancestors, in a refined and cultivated neighborhood, to be nurtured by parents who had good principles in their hearts and a sufficiency of worldly goods to give their son the best advantages, on the 22d of June, 1830, was born Rufus Lenoir Patterson. His life began with the modern railroad system in America.

The boy was not destined to grow up amid his beautiful, rustic

surroundings. When he was five years old his father, elected State treasurer, made Raleigh his home, as required by law, spending much of his summers, however, in the Happy Valley. After leaving this office he was for several years president of the Raleigh and Gaston Railroad Company, and continued his dual residence. But while the boy thus gained in knowledge of the world, he lost in advancement in scholarship, missing the last days of the spring terms and the early days of the fall terms of his Raleigh schools. By his attention to duties, nevertheless, he was a favorite with his teachers, John Y. Hicks and Silas Bigelow, of the Raleigh Academy.

About 1845 his father gave up his Raleigh residence and lived permanently on his farm on the Yadkin. Rufus entered the school of Rev. T. S. W. Mott, a scholarly Episcopal minister, who taught near the county seat of Caldwell, by whom he was prepared for the State University.

He entered the State University in 1847, a year notable in its annals for the visit of President Polk, a graduate of 1818. His inclination led him to seek superiority in the hall of his society, the Dialectic, and among the students at large, rather than in the study of text books. The most treasured prize in his day was the marshalship. This officer was elected by universal suffrage out of the junior class. In order to aid him in the discharge of his duties he was privileged to select six sub-marshals, or "subs," equally divided between the two societies. Arrayed in costly regalia of blue ribbon and white, bespangled with gold and silver, meeting on spirited horses, the band when it reached the eastern boundary of the village escorted it in grand procession through the streets, while the brazen-throated instruments discoursed martial music; on another day heading a column composed of the governor and other distinguished visitors, faculty and students, as they marched through the campus, he was a great man of a great occasion, the general-in-chief of the commencement. The duties required knowledge of men, graceful manners, a commanding person, sound judgment, presence of mind. It is an evidence of the inborn capacity of our people for self-

government that our students, the members of the lower classes being in the majority, never failed to select a well-fitted man.

In 1850 Rufus Patterson was elected to this highest office in the microcosm of the University with no serious opposition. Well did he redeem the confidence of the students, who so enthusiastically nominated him, and of the faculty and trustees who approved the nomination. He performed his functions with signal ability.

While at the University he was surprised by a family incident of surprising interest. For twenty years he had been an only child, whom his father and mother, howbeit wiser than is usual with parents in like condition, could not help petting, though not spoiling. So it happened that another son was born to gladden their hearts and to divide their interest. The friends of Rufus looked curiously for any evidence of disappointment. So far from it he rejoiced heartily at the arrival of the little stranger, and was especially loving to his new brother. The boy grew up to possess the virtues of his race, and is now the trusted and sagacious commissioner of agriculture, Samuel Legerwood Patterson.

In 1851 Rufus Patterson took his degree of Bachelor of Arts. The demands on his time consequent on his popularity did not allow him to obtain a class honor in his studies, and under the rule of the Faculty he was not a speaker on the stage, but there was no senior who surpassed him in the regard of Faculty and students as a high-toned, large-hearted and intelligent young man.

As a finishing to his education, he studied law under the very able John A. Gilmer, the elder. He did not, however, attend the courts, as his father possessed a handsome fortune and his tastes inclined him to a business life.

In the intervals of his professional studies he experienced the usual fate of well-bred Americans—he fell in love. The lady was handsome and attractive, Marie L., daughter of ex-Governor John M. Morehead, and it was soon evident that they were congenial spirits. They were married in 1852, and for a few months lived at Palmyra, the family homestead, but not being enamored of farming, Patterson removed to Greensboro and took a practical course in banking under his wife's uncle, Jesse H. Lindsay. It

was not long, however, before a combined cotton, flour and paper mill in Salem came on the market, and aided by his father-in-law, he became the owner and manager of the three manufacturing enterprises and removed his residence to Salem.

Here he lived a busy but most happy life, four children gladdening his home, a fifth dying in childhood. Of those who survived, Jesse Lindsay is a prominent lawyer of Winston, Carrie F. is the wife of ex-Judge A. L. Coble, Lettie W. became the wife of Colonel Frank H. Fries and died early, Louis Morehead did not long outlive an honored course at the State University. His excellent wife was removed to the realms above in May, 1862, in the midst of the harassing anxieties and excitement of the Civil War.

It was his rule rather to avoid than to seek public office. An important and influential position, however, he consented to hold for five years, the position which was held at times in their respective counties by ex-Chief Justice Ruffin, ex-Senator George E. Badger, Thomas P. Devereux, William Plummer, Richard H. Smith and other strong retired lawyers, that of chairman of the Court of Pleas and Quarter Sessions, or County Courts of Forsyth County. This court had very extensive powers. It had jurisdiction, with a few exceptions, of all civil cases, and of all criminal offenses where the punishment did not extend to loss of limb or member. While all the justices of the peace had right to sit, they had the power, and always exercised it, to appoint three of their number, designated as the Special Court, the chairman of which, if possessed of force of character and knowledge of the law, had in many respects the functions of a judge. Indeed in some of the States he is dignified with the title of county judge.

For five years, 1855-60, "Esquire" Patterson held this responsible post, and his county had the blessing of intelligent, firm and impartial administration of justice. Moreover, it had perfect integrity, economy and wisdom in the management of its affairs and in the collection and expenditure of its funds.

The resignation of the chairman was accepted with reluctance, but his fellow-citizens of Salem bestowed upon him the office of

mayor, not, however, onerous in a town distinguished for its orderly conduct. His administration, which continued several years, met with the universal approval of his townsmen.

On the great questions the discussion of which preceded the disastrous Civil War, his position was that held by a majority, if not two-thirds, of the people of North Carolina. His blood boiled at the unconstitutional acts of many of those of high authority at the North, and the evident intention of the majority to deprive the Southern States of certain of their rights under the Constitution, but in his judgment the disproportion in resources was too greatly in favor of the United States Government to give the seceding States a fair chance of success in a war. When the war came, with a heavy heart and fear of impending ruin, rather than have civil war at home, he gave in his adhesion to the Southern Confederacy.

Together with Mr. T. J. Wilson, afterward judge, he was elected to the convention of February, 1861, which was voted down at the polls, and again to the Secession Convention which met May 20, 1861. They both signed the ordinance of Secession, as did every other delegate.

Although the convention passed the ordinance of Secession unanimously, a division among its members sprang up at once. Most of those known as "Old Union" men thought that Governor Ellis in filling up the ranks of the ten regiments of State troops discriminated in favor of "Original Secessionists," i.e., those who advocated secession as the right and duty of the South. They felt that, in view of the authorities at Raleigh and Montgomery, they and their friends were regarded with coldness if not with suspicion. They determined to organize into a party. Colonel Patterson did not think this movement wise, and refused to join. He thought it best to have a united front and for awhile at least to support the constituted authorities without criticism. A sufficient number of "Old Union" men agreed with him to give their opponents for some weeks the control of the convention. Ultimately, however, the control shifted to the other side.

While the convention was in this ferment the election for dele-

gates to the Provisional Congress came on. The "Old Union" men held a caucus under the Presidency of William A. Graham and nominated Bedford Brown and H. W. Miller for the State at large, and W. N. H. Smith, Green, Leak, Arrington, Morehead, Puryear, Myers and Davidson for the districts. The original secessionists nominated Avery and George Davis for the State at large, and R. H. Smith, Ruffin of Wayne, McDowell, Venable, Cunningham, Patterson, Craige and Woodfin for the districts. The result was six to four, as the following were chosen: Avery, Davis, W. N. H. Smith, Ruffin of Wayne, McDowell, Venable, Morehead, Puryear, Craige, Davidson. Under these circumstances it was no reflection on the popularity of Patterson to be beaten by Puryear, so much older and more widely known, endorsed by a caucus of members pledged to his support.

After the death of his wife Colonel Patterson resolved on a change of scene. He sold his Salem property and returned to his native county, Caldwell. He became the manager of the cotton factory at Patterson on the Yadkin. In this business he continued until the spring of 1865, when the soldiers engaged in Stoneman's raid burned it to the ground.

The Confederate Congress determined that the managers of factories engaged in manufacturing the material of clothing for the army and people were of more benefit to the Southern cause than soldiers in the field, and therefore exempted them from army service. Colonel Patterson's military title was only honorary, given by his associates because of his martial bearing. He was never an enlisted soldier, but on one occasion participated in a movement which had a tragic ending. A company of bushwhackers threatened a raid on Morganton. A hastily raised volunteer company, under the distinguished Colonel Waightstill W. Avery, a brother-in-law of Colonel Patterson, late a Confederate State senator, overawed the enemy and they rapidly retreated. In the pursuit Avery, who led the van, was mortally wounded by a Parthian shot, and Patterson, who was near to the stricken man, bore him home to his afflicted family.

In 1864 he married another handsome and attractive lady, Mary

E. Fries, daughter of Francis Fries of Salem, a prominent manufacturer and merchant. They had six children, all living and prospering. Frank F., the oldest, is on the staff of the *Baltimore Sun*; Samuel F. is a cotton manufacturer of Baltimore; Andrew H. is Professor of Physics in the University of Georgia; Rufus L. is third vice-president of the American Tobacco Company; John L. is a cotton manufacturer at Roanoke Rapids, and Edmond V. is in the cotton commission business in New York City.

After the burning of his factory on the Yadkin, Patterson concluded to change his residence back to Salem. He engaged in merchandising with Mr. H. W. Fries and continued in this business until his death, in 1879.

As the Southern cause became clearly hopeless he sympathized with those who believed that utterly needless destruction of life and property should be averted by securing terms of peace before the military power of the Confederacy should be destroyed. In their opinion it was more dignified and more sensible, as the military and civil authorities knew they were beaten in January, not to wait until they were routed and under the victor's heel in April. And when finally at the mercy of the United States, he was among those who thought that opposition to the measures of reconstruction of the Union were useless and undignified, perhaps mischievous. With these views he acted with the Republican Party, but not only was never accused, but not even suspected, of participating in the corrupt legislation of 1868-69. On the contrary he openly denounced it, and when solicited by his friends to allow his name to go before the Republican Convention of 1872 for the nomination to the governorship, he peremptorily declined.

He was a delegate to the Convention of 1865, called by order of President Johnson to inaugurate the resumption by the State of its relations with the United States, elected from his native county of Caldwell, where he was then living. He supported in this body of able men the measures, some of them unpalatable, deemed necessary for effecting the objects for which they were called. In addition to this they adopted a new constitution, embodying excellent provisions, but the people voted it down mainly

because the body which proposed it was called by the President of the United States.

He was always a warm personal friend of Governor Vance, and voted for him in 1876.

He was a strong advocate of internal improvements, especially of the Western North Carolina Railroad from Salisbury to Paint Rock and Murphy, and of the Northwestern North Carolina Road from Greensboro to Winston. He was a director in both and the treasurer of the latter, and was also a director of the North Carolina Railroad Company. He denounced the lavish issue of special tax bonds, and those authorized for the Northwestern North Carolina Railroad were, with his approval, refused acceptance by President Belo and his directors. They saw that the reckless accumulation of debt was in excess of the public resources, and dishonest repudiation was inevitable.

Colonel Patterson was a warm friend of education generally, but especially of his alma mater, the University of North Carolina. He was made a trustee in 1874, and was active in participation in the measures necessary for reopening its doors. He contributed handsomely to the funds needed for repairing the buildings and used his powerful influence in procuring the passage through the General Assembly of the bill for paying interest on the Land Grant Fund, which enabled the trustees to promise salaries to the professors. When the vote was about to be taken in the House of Representatives, which it passed by only one vote, the member from Forsyth, Dr. Wheeler, stated publicly that he favored the measure because of a request he had just received from his friend Colonel Patterson, in whose judgment he had entire confidence. Again, when some trustees proposed to elect a president because of the glamour of his services in the war of Secession, he urged upon his desk-mate at school, and warm friend ever since, Kemp P. Battle, to allow his name to go before the board. He said: "If a president is elected on the war idea we Republicans cannot support him. We have confidence in you as a fair man, although you do not belong to our party. If you will take the office we will stand by you." The prediction proved true.

Not only did his party make no opposition to the revival of the institution, but as a rule its members gave it their active support.

Colonel Patterson's parents were members of the Protestant Episcopal Church, but after long residence at Salem and association with the Moravians, he joined their church. At the funeral the preacher, Rev. L. B. Wurrechke, spoke particularly of the bereavement which had fallen upon the young men of the town—members of literary societies and debating clubs, who had lost their guide, philosopher and friend. He spoke of the deceased as a "Saul amongst men physically as well as intellectually." He was, in truth, in public and private life generous, sympathetic, kindly, charitable, courteous, a gentleman of the old school, just, honorable and truthful. If he had felt called to the stormy life of the politician his gifts would probably have raised him to high places. Though sometimes induced to serve in public stations of honor and trust, he preferred the quiet but equally useful pursuits of the manufacturer and merchant. His happiness was chiefly in his home, aiding in training up his children to be ornaments and blessings to the society in which they move.

Kemp P. Battle.



THE NEW YORK
PUBLIC LIBRARY
ASSOC. LENOX AND
TILDEN FOUNDATIONS
R L

Caroline Jones, a daughter of General Edmund Jones and his wife, Miss Lenoir.

Eleven years of age at the time of the breaking out of the Civil War, he still had the benefit of a substantial preliminary education at Faucette's School, Bingham's, and Wilson's Academy. At the age of seventeen, in 1867, he entered the University of North Carolina and remained there until that institution was closed in 1868, incident to a change of administration, and then took one year at the University of Virginia. Returning from school, he found employment as clerk and bookkeeper in Salem, North Carolina, where his elder brother, Rufus L. Patterson, had connections, he having married after the death of his first wife, Miss Morehead, Miss Mary E. Fries of Salem, North Carolina. His residence in that community brought him in close contact with business men of fine character and capacity, and tended to strengthen him in those convictions of duty which he had inherited and which had been instilled by his association with the members of his father's household.

On the 17th of April, 1873, Mr. Patterson was happily united in marriage to Miss Mary S. Senseman of Salem, a daughter of the Rt. Rev. E. T. Senseman, a Moravian minister of Indiana, and being drawn by his inclination for agricultural pursuits and by his fondness for home life on a farm, he adopted agriculture as his vocation in life. He brought to that business a fine intelligence, cultivated in the school of experience no less than in the institutions of learning where he had been trained. His characteristics well fitted him for ample success; careful and prudent, thoughtful and energetic in his work, conservative in his purposes and moderate in all the lines of his thought.

Descended from those who had so long been fine farmers, he naturally occupied a vantage ground for the study of all questions that looked to the betterment of the agricultural classes of the State, and he soon became known as one of the most thoughtful and intelligent farmers of his region.

In early life Mr. Patterson was led to espouse the Republican Party, but was so highly esteemed that he was appointed a justice

of the peace by a Democratic legislature, and later was elected county commissioner in a Democratic county. Subsequently, in 1880, he was appointed, through Democratic influences, a supervisor of the census. He supported Cleveland for the Presidency, being led to embrace the Democratic policy in regard to the tariff from a conviction that that was the better policy for the agricultural people of the South, and that the interest of the whole country would be best subserved by a change in the Federal administration. In 1891, when there was great unrest among the farming people of the State, and the Farmers' Alliance, by its close and powerful organization, dominated the Democratic Party, Mr. Patterson was brought forward by his friends as the Democratic nominee for the House of Representatives from Caldwell County, and was elected to that body. He displayed marked ability as a legislator, and exercised a fine influence among his fellow-members. That General Assembly had to choose a senator, Senator Vance's term being about to expire. The Democratic people of the State desired that Vance should be elected to succeed himself, but at that time the Farmers' Alliance had a large majority in the legislature, and, under the influence of its leaders, had prescribed a test for office requiring a pledge to support what was called the Sub-Treasury Bill, a scheme of finance that lawyers and conservative Democrats thought unconstitutional as well as very unwise. The Assembly proposed to exact from Senator Vance a pledge to support this measure, and if he declined he was to be defeated. It was a great crisis. Senator Vance felt that all the honors he had enjoyed in public life had been due to the support of the agricultural community, and he would have given his life to serve the farmers of the State. But he felt that this exaction, if he submitted to it, would mean dishonor, and while he was careful not to disclose his purpose, yet he realized that circumstances might force him to decline an election at the hands of the very element of the population who had until then been his most unwavering and devoted friends and supporters. He was greatly moved by the embarrassments of the situation, and was a prey to conflicting emotions. At the critical moment, Mr. Patterson cut

the Gordian knot and relieved the situation of all embarrassment by proposing a modification of the resolutions of instructions, which rendered them acceptable both to the Alliance and to Senator Vance, who was committed to observe the doctrine of instructions which had prevailed in North Carolina during the States Rights period before the war. The original resolution which had been adopted by the Alliance required the senators to vote for and use all honorable means to secure the financial reform demanded in the platform adopted by the Ocala meeting; as amended by Mr. Patterson, the senators were instructed to vote for and use all honorable means to secure the object of the financial reform as contemplated in that platform.

Mr. Patterson, in a letter which is printed in Dowd's "Life of Vance," says: "In the afternoon a rumor reached me that Governor Vance was bitterly disappointed at the action of the House and would decline the election. I had felt that the amendment gave such elasticity to the resolution as to relieve its objectionable feature, and hence was so chagrined at the supposed failure that I absented myself during the afternoon, and it was only on Charlie Vance's invitation at night that I went to the room. The first sight of the face so beloved by North Carolinians was sufficient to convince me of the error. Lit up with an expression very different from the evident depression of the morning, in his inimitable manner he rose and came forward, greeting me with the remark, 'I want to give my hand to the man who offered that amendment; that was the best day's work you ever did; at least, the best for me.' His whole appearance had changed, and his usual buoyant spirits had returned. Continuing to discuss the amendment, and turning to the lamented Buck Jones, who was present, he remarked in that familiar, drawling tone of voice: 'You know what a long-headed old coon Jarvis is? When I showed him the resolution as passed, he said, "Is that all?" I replied, "This is the copy sent me by Bob Furman." "Why," he says, "that's just what you have been working for all the time." "Yes," said I; "there's nothing in this resolution that I cannot cheerfully endorse."'"

And Senator Vance continued to serve the people in that high position at Washington City which he had for so many years adorned.

At the next session Mr. Patterson represented his constituents in the State Senate. His record in that body was one that received unstinted encomiums. His worth as a public man became fully realized, and his excellence of character and fine business capabilities were appreciated by all who came within the sphere of his influence. He had been appointed a member of the Board of Agriculture while a member of the House; on being elected to the Senate he resigned, but after the Senate adjourned he was chosen by the Board of Agriculture to the important position of commissioner of agriculture, and held that place until 1897, when, because of the fusion between the Republicans and Populists, the Democratic Party fell into the minority, and the incumbents of all the higher State offices were changed. In 1898 he was again elected a member of the House, and by that body he was re-elected commissioner of agriculture. At that legislature the law was altered so as to require that the commissioner of agriculture should be elected by the people in general election with other State officers for a term of four years; and at the general election in 1900 he was nominated by the Democratic Party, and was elected along with Governor Aycock, and on the expiration of that term in 1904 he was again nominated and chosen for a second term along with Governor Glenn. Thus Mr. Patterson has been four times elected commissioner of agriculture. That fact tells its own story. It carries with it evidence of remarkable efficiency and great administrative capacity. It is to be said of Mr. Patterson that no gentleman of the State is freer from demagogical arts and political wire-working than he is. Quietly he has pursued his proper line of work, and his popularity is to be ascribed only to his personal qualities of head and heart and to the thorough efficiency which has characterized the management of his great department while under his supervision.

Indeed, his work to improve conditions in North Carolina has been so successful and so important that it constitutes a just basis

for enduring fame. While others have led in the struggle for political victories, Mr. Patterson has exerted himself to ameliorate the circumstances of the people.

When in the Assembly of 1899 a Pure Food Law was proposed, being an innovation, it was in imminent danger of defeat when Mr. Patterson redoubled his efforts, and by his urgent personal appeals secured its passage; and that law has been the basis of all the subsequent enactments of a similar character in this State. He was largely responsible for the passage of the law relative to foodstuffs, and this subject has received a great deal of his attention; before that law was passed there was no protection to consumers in the purchase of foodstuffs, and the analysis of many of them showed that they were virtually worthless, being a mere fraud on the public.

As commissioner Mr. Patterson has been active in the promotion of the live-stock industry, especially cattle, and was instrumental in the employment of a State veterinarian and in the establishment of quarantine lines. Acting on the belief that ticks caused or carried the cattle fever, as it has since been demonstrated that the mosquito carried the yellow fever, Mr. Patterson directed attention to the elimination of those cattle pests, and his work has met with admirable success. Very beneficial results have been achieved in this branch of the department's work. The quarantine line has been considerably extended to the eastward, so that twenty-two counties of the State are now free from the infection, with the effect that every county so benefited realizes about a cent per pound advance in the value of its beef.

While from the inception of the department the law has contained reference to ravages from insects, nothing practical was accomplished until, through the influence of the commissioner, a competent entomologist was employed, and the work of this branch of the department has now become of great benefit. It includes work to arrest the destruction of both field and horticultural crops, fruits as well as vegetables. There had never been a spray pump used in North Carolina until the department took up that matter and made a strenuous campaign to secure the intro-

duction and use of these admirable appliances, and there is now abundant evidence of the most beneficial results.

As an outgrowth of efforts in this direction, the department has undertaken for the first time practical horticultural instruction, and a competent man has been employed to give instruction in the growing of vegetables and of fruits. Incident to this work there has been a very large development of the trucking interests, which yearly has expanded and become more profitable, largely through the efforts of the department to promote its growth. Indeed, the expansion of this horticultural business has been in these latter years marvellous, and it now constitutes one of the most important industries of the State.

In addition to the work of the specialists in the department who have been introduced through the influence of the commissioner, there have also been sent out specialists to teach the people through farmers' institutes, which have constantly grown in importance and efficiency during the period in which Mr. Patterson has been commissioner.

As further illustrating the purpose of the commissioner and of the Board of Agriculture to be of assistance in a practical way, the department has established four test farms, one in the county of Edgecombe, in Pender, Iredell and Transylvania; and they have in view an extension of this beneficent work, which has met with great approbation on the part of the farmers. Indeed, the value of these test farms is so thoroughly recognized and appreciated that the farmers in the sections where they have been established have offered donations to secure them, and very material assistance in money and lands is tendered the board whenever it is proposed to establish a new one.

The Board of Agriculture is *ex-officio* the Board of Trustees of the Agricultural and Mechanical College, and since that institution has been committed to their charge it has really become what its name implies, not merely an institution for instruction in mechanics, but one having an admirable course in agriculture and in all its adjuncts and allied subjects. While the work of that institution is so important in the field of manufacturing, it is

now still more interesting and important to the agricultural people of the State. Mr. Patterson, as commissioner of agriculture, is chairman of the Board of Agriculture, is chairman of the Board of Trustees of the college, chairman of the Executive and Finance committees of both institutions; and his personal responsibilities under the Act of 1901 have been so vastly increased that in the performance of his several duties he exerts a potent influence in many channels upon the agricultural interests of the people of the State.

How thoroughly he performed his duties, and how satisfactorily, is evidenced by the fact that at each recurring election by the people he has received an increased vote, and at the last election he received the largest vote given to any person on the State ticket. The people accord to him the plaudit of "Well done, good and faithful servant."

In the summer of 1905 Mr. Patterson, accompanied by Mrs. Patterson, made a short tour in Europe. While circumstances did not permit of extended observations of agricultural conditions abroad, yet Mr. Patterson made such investigations as were convenient, and entertains the opinion that while there is much thrift and attention to details and carefulness to prevent waste, particularly in the matter of manures and fertilizers, in the communities he visited, yet the European agriculturist is behind the American in many important particulars. That with us there is a far more general use of improved machinery on the farms than in Europe; and he is strengthened in the conviction that American ways are superior to those of the older communities abroad.

S. A. Ashe.

THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX AND
TILDEN FOUNDATIONS

R

L

his father, however, moved to Caldwell County and there likewise engaged in cotton manufacturing, his mill being located at Patterson.

In April, 1865, when the drama of the war was coming to its close, General Stoneman, with a heavy force of Federal cavalry, burst through the mountains from East Tennessee and scoured Western Carolina, destroying property and carrying consternation among the defenseless people. At Patterson the Federal force burned the factory operated by Mr. R. L. Patterson, who, early in 1867, returned to Salem and conducted his business there until his death in 1879.

The subject of this sketch had the advantage of the excellent primary schools at Salem, and in 1872, at the age of fourteen, he entered the Finley High School at Lenoir, conducted by Captain E. W. Faucette, a gentleman of high reputation as a preceptor. After two years under his guidance, the young student entered Davidson College, where he passed four years, graduating in 1878, second in his class. To attain this distinction he had applied himself with assiduity to his studies, and his merit and attainments are amply indicated when it is considered that among his classmates and competitors were James W. Osborne, Dr. W. W. Moore, Charles M. Hepburn, Henry E. Fries and F. M. Williams, who at the law, in theology, at scholastic learning, in business and in the editorial sanctum have each illustrated the fine training of their alma mater and given evidence of particular excellence.

After graduating at Davidson, Lindsay Patterson, having decided to seek a professional career, attended the law lectures of Judge W. H. Battle at Chapel Hill, and then studied law in Greensboro under Judges Dick and Dillard. Being admirably prepared, he passed his examination in 1881, and located at Winston-Salem, where he has since resided. So well esteemed was he as a young man of fine parts and unusual merit, that hardly had he entered upon the practice before the justices of Forsyth County elected him solicitor of the County Criminal Court, which at once brought him into professional contact with the people of the county. That position was indeed the stepping stone to the favor of the best

inhabitants of both town and country, and for the two years he held it he performed its duties so admirably as to gain the entire approbation of all classes of citizens. His attainments as a lawyer were recognized, and strength of his character, justifying the highest confidence in his integrity, was evident.

Among the pupils of Salem Academy had been Miss Lucy Bramlette Patterson, a daughter of Colonel William Houston Patterson, a man of brilliant intellect and unusual attainments and learning, a resident of Philadelphia, where for half a century his father had been one of the foremost citizens, venerated for his patriotic services as a soldier in the War of 1812 and as a major-general in both the Mexican and the Civil Wars. Reared amid wealth, culture and refinement, her natural graces led Mr. Patterson captive, and he was fortunately married to her in 1888, and their home has ever since been a social center from which has radiated a most beneficent influence. But not merely do Mr. and Mrs. Patterson enjoy the elegancies of life; they have the purpose to be of service in stimulating literary efforts among North Carolinians. Mrs. Patterson, like her cultured father, is singularly gifted with fine literary taste, and she conceived the design of promoting literature in North Carolina by offering some reward for meritorious achievements. Her father had an abiding faith that the South would rise from the ashes of destruction and in time produce some of the brightest lights in literature and art, reflecting glory on the American name; and sharing in his belief, Mrs. Patterson was inspired to offer an incentive to literary endeavors. She was led, as a memorial to her father, to offer a massive and costly cup to be presented to the North Carolina writer who shall have achieved the greatest literary success during the year, for a period of ten years, when it is to become the property of the person who shall have won the trophy the greatest number of times. This cup is of gold, and of massive construction, being 16 inches high and 7 inches in diameter. The coats-of-arms of North Carolina, of Pennsylvania and of the Patterson family are borne on the bases of its three handles, and it is studded with forty-nine gems selected by Mrs. Patterson from a large

number of precious stones found in North Carolina. The Patterson Memorial Cup was awarded the first year to Mr. John Charles McNeil, whose beautiful poetry had won the plaudits of North Carolinians, and the cup was graciously presented to him by President Roosevelt on his visit to Raleigh during his tour through the South in October, 1905.

Politically Mr. Patterson is a Democrat of the old school, believing in the fundamental, historic principles of that party and disdaining the radicalism of those leaders who seek to incorporate socialistic ideas. He acts independent of party organization, and consequently has not been in line for the receipt of political honors, which otherwise would naturally have fallen upon one of his talents had he contested for them. His high ideas of political integrity are none the less appreciated, and he counts as friends the leading men of all parties in the State. Being a faithful slave to his profession, it has been only when he considered that duty called him that he has ever laid away his pleadings for politics. This he did on two occasions, once in the eventful year of 1896, when he took part in the Sound Money Democratic Convention at Indianapolis, which nominated Palmer and Buckner for President and Vice-President, and, as elector-at-large for that ticket, canvassed North Carolina, making able and exhaustive addresses upon the money question; and again in 1902, when, upon the insistence of friends, he led a forlorn hope as an independent Democratic candidate for Congress against Hon. W. W. Kitchin, the sitting member from the Fifth District.

But while Mr. Patterson has always been a student of politics, it is upon his ability as a lawyer and his devotion to the law that his reputation will rest. Finding his chief pleasure in the constant pursuit of his professional duties, he has for over twenty years applied himself with that zeal and industry that naturally finds its reward in a large and lucrative practice, which he now enjoys. Mr. Patterson loves the science of the law, and, unlike so many who love it as a science, he loves the active practice, and is never so well pleased as when measuring legal lances with the ablest of the profession. There are few who equal him in the

careful and thorough preparation of cases, and none who surpass him as a bold and fearless advocate of his client's cause. These qualities were brought to the knowledge of the entire State in the famous impeachment trial of Chief Justice Furches and Justice Robert M. Douglass of the Supreme Court bench, in 1901, when Mr. Patterson appeared as one of counsel for the judges. The proceeding partook somewhat of a partizan nature, the two Houses of the legislature being Democratic and the judges of the Republican faith, and the charges made against them being in some degree connected with political measures. But so skillful was the defense made by Mr. Patterson and his associates, that notwithstanding the Senate was hostile politically to the arraigned judges, they were acquitted. That result of the trial was regarded as a great triumph for the attorneys conducting it on behalf of the judges, and it reflected high credit on Mr. Patterson and those engaged with him in the defense. Since the days of this famous trial Mr. Patterson has taken rank among the ablest lawyers of the State, and being yet in his prime, no doubt the future will be one of distinguished successes in his profession and of usefulness to his people.

George P. Pell.



THE NEW YORK
PUBLIC LIBRARY

ASTOR LENOX AND
TILDEN FOUNDATIONS

P

L

man of ability, the inventor of machines for the economical manufacture of bags of all sorts, and his death, in 1895, before he had reached the maturity of his powers, was a distinct loss to the State. Mr. Patterson remained with Mr. Kerr in his work of invention and development of machinery until 1892, when he went to London for the double purpose of exploiting in the European markets the bag-making machinery, in whose development he had assisted, and of pursuing, in a practical way, studies and preparation for the work that he had already selected as his life-work, to wit, mechanical engineering.

In 1894 he had returned from London, had spent some while in Baltimore and located in Durham, North Carolina, where he became associated with the Golden Belt Manufacturing Company of that town, a company formed for the production and operation of the Kerr bag machines. There are certainly more bags used in packing smoking tobacco than in any other one industry—if not in all industries combined. It was therefore altogether natural that the machines invented by Mr. Kerr and Mr. Patterson for the economical production of bags found their greatest utilization in connection with the manufacture of smoking tobacco.

This removal to Durham, where more smoking tobacco is manufactured than at any other place in the world, was a most fortunate one for Mr. Patterson from every point of view.

In the first place, chronologically, he became acquainted with all of the processes in the manufacture and preparation for the market of smoking tobacco, and in the face of discouragement—proverbially the lot of an inventor—achieved, before he was twenty-five years of age, his first single-handed victory over such discouragements. It was a machine for automatically weighing, packing, stamping and labelling smoking tobacco. It did not revolutionize the business, but it introduced a new method into the manufacture of tobacco which, upon the basis of the present production, means an economy of several hundred thousand dollars per year. The machine itself is a model of engineering skill and mechanical accuracy.

In the first place, in point of importance, Mr. Patterson's resi-

dence in Durham resulted in his marriage to Miss Margaret Morehead, a daughter of Eugene Morehead of Durham, and granddaughter of Governor John M. Morehead. This marriage is not only first in importance among the results of Mr. Patterson's life in Durham, but it is first in importance of all the events in his life. The marriage has been a singularly happy one. They have two children and their home is delightful in a genuine Southern way.

Finally, Mr. Patterson's residence in Durham resulted in his becoming known to the controlling spirits of the American Tobacco Company. In 1898 he was employed by that company at its New York office, in charge not only of the packing machine he had himself invented, but of all its machinery. He came with the American Tobacco Company, having already the high regard of its officers, and he has constantly advanced in their esteem and respect. In 1900 he became the secretary of the company and one of its directors and was in charge of its manufacturing. It is to be doubted whether at that time there was in the United States (and certainly there was nowhere else in the world) any other man under thirty years of age who was a director and one of the real and working executive officers of any of the great industrial corporations, owing his position to no inheritance and to no large investment, but solely to his own ability and efficiency.

While Mr. Patterson was for a time in charge of the manufacturing of the American Tobacco Company, his duties always related peculiarly to the machinery of the company, and the organization and equipment of its factories. With the enlargement of the business of the company consequent upon its own growth and upon its consolidation with other companies, he has left other departments of manufacturing and devotes his time and energy exclusively to the matter of machinery and the organization and equipment of factories.

Besides being a director and one of the workers of the American Tobacco Company, he is the president of and the moving and controlling force in the International Cigar Machinery Company, a corporation of \$10,000,000 capital stock; Standard Tobacco

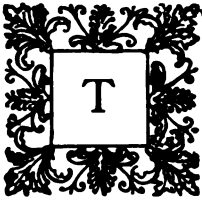
Stemmer Company, the American Machine and Foundry Company and the Automatic Packing and Labelling Company.

Mr. Patterson has shown marked ability as an inventor. His name is a familiar one in the United States Patent Office, and much of the machinery now in use by the American Tobacco Company and other tobacco manufacturing establishments is the result of his initiative. He has, however, none of the qualities that are popularly assumed to characterize an inventor. He is no unpractical, unprosperous dreamer of dreams, but an intensely practical and prosperous doer of deeds. He has a well-developed sense of the relative importance of things. His relations to matters of mechanics and machinery have given him an acquaintance with mechanical engineers all over the country, and when there arises a problem whose solution is important from a practical standpoint, and whose solution his own practical and trained mind tells him is a possible thing, he recognizes and calls to his aid the man best fitted to work out the details of the solution. His duties have developed a talent for the mechanical part of machinery, and they have also developed a great capacity in business life. He has no pride of invention, and is quite willing to discard a machine of his own contrivance when shown another that will do the work better. In the negotiation of contracts, and in outlining a business policy, he is microscopic and telescopic—no detail is too small to escape his consideration, and he builds for the future as well as for the present.

Junius Parker.



WILLIAM POLK



TWO generals of North Carolina troops in the army of the Revolution were wounded unto death in battle—Francis Nash at Germantown, Pennsylvania, on the 4th of October, 1777, and William Lee Davidson at Cowan's Ford, North Carolina, on the 1st of February, 1781. Far apart as these battles were, both in time and place, William Polk served with marked bravery in each, being major of the Ninth North Carolina Continentals under Nash and an officer of State volunteers under Davidson.

Colonel Polk was born near Charlotte, in the county of Mecklenburg, on July 9, 1758. He was a son of the noted Revolutionary patriot, Colonel Thomas Polk (Fourth North Carolina Continental Regiment) and his wife, Susan Spratt.

William Polk was reared in the county of his birth. He was educated first in preparatory schools and then at Queen's College, at Charlotte. He was seventeen years of age when the Revolution began, and was a personal witness of the Mecklenburg convention proceedings in May, 1775. His first military service was in April, 1775, when he became second lieutenant in Captain Ezekiel Polk's company, attached to the Fourth South Carolina State Regiment of mounted infantry, commanded by Colonel William Thompson. This body rendezvoused at York, South Carolina, and marched to Ninety Six, a meeting place of the

Tories. From there the detachment first proceeded to Dorchester and then to Granby. At the battle of Canebrake, South Carolina, December 22, 1775, young Polk received so severe a wound in the left shoulder that it necessitated his temporary retirement from the service. He never fully recovered from its effects, though he re-entered the army in less than a year. During his service as lieutenant in South Carolina, William Polk had won for himself so high a reputation for courage and good conduct that his native State soon called him to a more important command in the regulars, his election as major of the Ninth Regiment of North Carolina troops in the Continental Line taking place on the 27th of November, 1776. The Provincial Congress of North Carolina at Halifax, by which he was elected to this post, had previously elected John Williams of Caswell County as colonel and John Luttrell as lieutenant-colonel. When Polk joined his regiment at Halifax, Colonel Williams and Lieutenant-Colonel Luttrell were absent, and the chief command of the Ninth Continentals devolved upon its youthful major. Polk, however, fully measured up to the responsibilities of his station. At the time he reached the North Carolina Brigade it was on the march northward, but at Halifax was stopped by a countermanding order directing its course southward to prevent the British from entering Georgia by way of St. Augustine. By the time Charleston, in South Carolina, was reached, another order stopped their march, and they remained near that place opposing Sir Henry Clinton's forces until the spring of the following year. In March, 1777, the North Carolinians again marched northward, and that summer effected a junction with the main body of American troops, or "grand army," under Washington in New Jersey. In the early fall, September 11, 1777, the battle of Brandywine took place, and Major Polk was in that action. He was also present at the battle of Germantown on October 4, 1777, being there severely wounded in the face and temporarily deprived of the power of speech. There, too, his brigade commander, General Nash, was mortally stricken, while many more of the best and bravest soldiers sent to the field by North Carolina were either killed or wounded. In the greater

part of the fearful winter experiences of Valley Forge, 1777-78, Major Polk was also a participant.

Having been thinned out by the fierce battles and terrible privations through which they had passed, the North Carolina regiments were consolidated and reduced in number at Valley Forge in January, 1778, and many Continental officers, including Major Polk, were thereby thrown out of the service, or "omitted," as the record has it. Polk, however, determined to remain in the service of his country, and returned to North Carolina on recruiting duty early in 1778. On the 15th of August, 1778, not long after Major Polk's return to North Carolina, the State Senate passed the following resolution relative to him :

"Resolved, That Major William Polk be appointed to the first vacancy of a major that shall happen in any of the Continental battalions of this State, with the same rank he heretofore held when in the service of this State."

In this resolution the House of Commons refused to concur, possibly thinking it unwise to interfere with the regular course of promotions.

On August 16, 1780, Major Polk served as an aide-de-camp to General Richard Caswell in the disastrous battle of Camden. When the troops with whom he was there serving began to give ground, Polk made his way to the North Carolina militia brigade of General Isaac Gregory and aided that officer and his brave men in their unequal fight. When De Kalb was killed and the rout had become general, Polk's knowledge of the country enabled him to guide a considerable number of troops on their retreat to North Carolina. Later he sought employment under General William Lee Davidson, and was present on the 1st of February when that officer was slain while resisting the passage of Cornwallis across the Catawba River at Cowan's Ford. Robert Henry, who was present, in his narrative says that when Major Polk returned from the Ford and reported the death of General Davidson, some of the American forces had left and the others were in great confusion; so Polk prudently marched off the remainder.

not deeming it wise to renew the attack at that time. Some months later, while he was still without a command, Polk fought as a volunteer officer at the battle of Guilford Court House on March 15, 1781.

Shortly afterward Major Polk was commissioned lieutenant-colonel commandant of the Fourth South Carolina Regiment of horse by Governor John Rutledge of that State, and later had command of the Third Regiment of South Carolina cavalry. He first reported for duty to General Thomas Sumter, later serving under General William Henderson. In conjunction with the regiment of Colonel Wade Hampton, grandfather of General Wade Hampton of the Confederate army, Polk's regiment, the Fourth, made a forced march and captured the outlying garrison of Tories on the Congaree, killing twenty-seven and burning their block-house. Returning to General Sumter, he was next in the assault on Orangeburg (May 11, 1781), which resulted in its capture. In the successful attack on Fort Motte, May 12th, his regiment probably participated also, and likewise contributed to the taking of Fort Granby on the 15th, three days later.

At the battle of Eutaw Springs, on September 8, 1781, Colonel Polk's horse was killed under him, and there his younger brother, Lieutenant Thomas Polk, was slain. Samuel Chappelle, a soldier who returned to Wake County after the Revolution, witnessed the fall of Lieutenant Polk. When Colonel Polk saw his brother's corpse, said Chappelle, he first gave way to an outburst of grief, but almost immediately regained self-control and detailed two men to bury the remains, after which he rode off in hot pursuit of the enemy. In speaking of the affair of Eutaw, Chappelle said it was the most fiercely contested field he had ever witnessed, though he had fought at Brandywine, Stony Point and Guilford Court House, as well as in other great battles. Polk himself, in speaking of one volley directed at the Americans, said he thought at first that every man had been killed but himself. The bravery of Colonel Polk at Eutaw won special mention from General Greene, who wrote: "Lieutenant-Colonels Polk and Middleton were no less conspicuous for their good conduct than their intrepidity, and the

troops under their command gave a specimen of what may be expected from men naturally brave when improved by proper discipline."

After the battle of Eutaw, Colonel Polk figured conspicuously in the partizan warfare of South Carolina, and returned to his native State after the cessation of hostilities. In 1783 he aided in founding the North Carolina Society of the Cincinnati, and is now represented therein by one of his descendants.

On October 15, 1789, Colonel Polk married his first wife, Grizelle Gilchrist, daughter of Thomas Gilchrist and granddaughter of Robert Jones, Jr. (or "Robin" Jones), colonial attorney-general under Governors Dobbs and Tryon. This first wife was born in Suffolk, Virginia, October 24, 1768, and died in 1799, leaving two sons, as follows: Thomas Gilchrist Polk, general of militia, born at Charlotte, February 21, 1791, who married Mary Trotter of Salisbury, and left descendants. He died in Holly Springs, Mississippi, in 1869. The other son was William Julius Polk, M.D., born at Charlotte, March 21, 1793, who married his cousin, Mary Long, daughter of Lunsford Long and granddaughter of General Allen Jones. Dr. W. J. Polk has many descendants now living. One of his sons was the late Brigadier-General Lucius Eugene Polk, C.S.A.

About the year 1800 Colonel William Polk became a resident of the city of Raleigh. In Warren County, on the 1st of January, 1801, he was married to his second wife, Sarah Hawkins, daughter of Colonel Philemon Hawkins, Jr., and granddaughter of Colonel Philemon Hawkins, Sr., both of the two last named having been Revolutionary patriots. Among the children of this latter marriage were Lucius Junius Polk, who married Mary Ann Easton in the White House during President Jackson's administration; Leonidas Polk, bishop of Louisiana and lieutenant-general in the Confederate army, born at Raleigh, April 10, 1806, killed at the battle of Pine Mountain, June 14, 1864. He married Frances Devereux and left descendants: Mary Brown Polk, who became the second wife of George E. Badger; Rufus King Polk, who married Sarah Jackson; George Washington Polk, who

married Sallie Hilliard; Susan Spratt Polk, who married Kenneth Rayner; and Andrew Jackson Polk, who married Rebecca Van Leer. All of these children left descendants.

We now recur to our sketch of the life of Colonel William Polk of the Revolution. After the war he was often in public life. Being elected surveyor-general of that part of North Carolina which is now the State of Tennessee, he lived for a while at Nashville; and in 1786, prior to the erection of Tennessee into a separate State, he represented Davidson County (in which Nashville is situated) in the General Assembly of North Carolina. Colonel Polk also represented his native county of Mecklenburg in the North Carolina House of Commons in 1787, 1790 and 1791. In 1791 he was a candidate for speaker, but was defeated by Stephen Cabarrus. Having been appointed supervisor or collector of internal revenue for the district of North Carolina on March 4, 1791, Colonel Polk held that post for seventeen years.

Colonel Polk was an active promoter of education. While in Tennessee he was a trustee of Davidson Academy at Nashville, and on his removal from that place his position on the board was filled by the election thereto of his friend, Andrew Jackson, afterward President. Colonel Polk was also one of the trustees of the academy at Raleigh after his settlement in that city. From 1792 till his death he was a member of the Board of Trustees of the University of North Carolina, and was president of that board from 1802 to 1805. There is a tablet to his memory in Memorial Hall at the University. From December 4, 1799, till December 12, 1802, he was Grand Master of the "Grand Lodge of North Carolina and Tennessee" when these two States formed one Masonic jurisdiction. In the hall of the Grand Lodge of North Carolina now hangs an oil portrait of him. For a number of years, 1811 to 1819, he was president of the State Bank at Raleigh. When the second war with Great Britain came on, President Madison offered Colonel Polk a commission as brigadier-general in the United States army on March 25, 1812. Being a Federalist, and having opposed the declaration of war, Polk declined. Later, when de-

grading conditions were demanded by Great Britain as a price of peace, the colonel wrote a letter to his brother-in-law, Governor William Hawkins, tendering his services to the State of North Carolina in any station which the governor might designate. A copy of this letter will be found in Niles's *Weekly Register* for October 29, 1814, page 125.

When Canova's statue of Washington (afterward destroyed by fire with the old Capitol) reached Raleigh on the 24th of December, 1821, Colonel Polk delivered an address on the character of Washington, which is reprinted in the *South Atlantic Quarterly* (Durham, North Carolina) for July, 1902, pages 281-283.

Colonel Polk also took a prominent part in the reception of General Lafayette, when the latter came on his visit to North Carolina in 1825. An illustrated account of this visit, containing a picture of the old Polk residence in Raleigh, is given in the *American Historical Register* (Boston) for May, 1897, page 177. Some other illustrations concerning the Polk family will be found in *Munsey's Magazine*, Vol. XVI., page 397 *et seq.*

The death of Colonel Polk occurred in Raleigh on the 14th of January, 1834, and he is buried in the old cemetery which forms the eastern terminus of Morgan Street. A heavy granite monument marks his resting place. In 1855, many years after his death, the legislature of North Carolina named a county in honor of Colonel Polk. There are also towns of Polk, Polkton and Polkville in North Carolina, while in Tennessee is likewise the town of Polk as well as Polk County. Most of the numerous counties, towns, townships, etc., of Polk which are scattered throughout the United States are named in honor of President James K. Polk, the colonel's kinsman.

The Raleigh *Register* of January 21, 1834, gives an account of the imposing funeral ceremonies over the remains of Colonel Polk, and in its obituary column contains a sketch of his life, from which we extract the following: "Colonel Polk was at his death the sole surviving field officer of the North Carolina Line; and it will be no disparagement to the illustrious dead to say that no one of his compatriots manifested a deeper or more ardent devo-

tion to the cause of his country ; that in her service no officer more gallantly exposed his life or more cheerfully endured privation and suffering, and that no one of his rank in the army contributed more by his personal services to bring that glorious contest to a successful termination."

Marshall De Lancey Haywood.





JOHN PORTER

DR. WEEKS, in his interesting "History of the Quakers of Albemarle," mentions John Porter, Sr., as living in Norfolk County, Virginia, in 1647, and as being expelled from the House of Burgesses on September 12, 1663. This expulsion was because Porter refused to take the oath as tendered, but he was also declared an Anabaptist, not holding to infant baptism, and as in sympathy with the Quakers. In 1672 he was one of the justices of the Quorum for Norfolk County, and served as such, presiding over the court until his death in 1675. In his will he left property "to my brother, John Porter, Jr." This John Porter, Jr., was a justice of the County Court in March, 1655, at the same time as John Porter, Sr. He was high sheriff in 1656. He married a daughter of Colonel John Sidney, the most considerable gentleman of that county. He died in Prince Anne County, Virginia.

This John Porter, Jr., had a son, John Porter, who was both a planter and a merchant, and who, in 1688, bought 400 acres of land near the Currituck line, and from there he removed to North Carolina between 1690 and 1693. In 1694 he appears as attorney-general of North Carolina; and Dr. Weeks mentions him as speaker of the Assembly in 1697, and from that time onward he exerted a considerable influence on the affairs of the province.

In 1703 he was one of the Council of which William Glover was the president. It was about that time that Lord Granville, the most important of the Lords Proprietors, undertook to enforce in the two Carolinas the act of the British Parliament requiring all officers to take certain oaths of office, which operated to deprive the Quakers of their right to hold office. While originally no Quakers had settled in Albemarle, yet the freedom of conscience allowed by the concessions to the settlers, which formed the basis of their constitutional rights, attracted the Friends to that region, and the preaching of Fox and Edmundson some ten years after the settlement had well introduced their tenets, and that sect had grown until it numbered a considerable part of the population, especially in Perquimans and Pasquotank precincts.

The year 1700 was a year of jubilee, and was marked by a great religious revival among the English-speaking people, and in Albemarle an act was passed providing for the erection of church buildings, the collection of tithes and the payment of public moneys to support a ministry, which met with strong opposition from the Quakers and others not in conformity with the Established Church; but that act fell because it was not confirmed by the Lords Proprietors. King William died in 1702, and at the succeeding meeting of the General Assembly oaths of allegiance to Queen Anne were tendered, and all officers who would not take them were displaced. A majority of the Assembly were Quakers, and by this means their places were declared vacant, and Governor Daniel obtained full control in the colony. He caused a law to be enacted establishing the Church of England and another prescribing an oath to be taken by way of qualifying members of the General Assembly. This subversion of the constitutional rights of the Quakers to hold office, which they had enjoyed unquestioned for a generation, resulted in a great civil commotion. Similar proceedings in South Carolina had led to the sending of John Ashe as an agent of the Dissenters to England to seek a redress of grievances; and John Porter sent his son Edmund along with Ashe to represent the affairs of the Albemarle colony, and an order was obtained suspending Governor Daniel. Governor Johnson, in

South Carolina, now appointed Thomas Cary as deputy governor of North Carolina, but Cary followed in the footsteps of Daniel and again purged the Assembly of its Quaker members, and caused an act to be passed imposing a fine on any person who should enter into an office before taking the oath prescribed, and another declaring void the election of any person who should promote his own candidacy. John Porter himself now went to England, and returned with a commission for settling the government, by which the laws imposing the oaths were suspended; and he also brought an order suspending Cary as governor, and vesting the powers of governor in the president of the Council; and he had new deputations from the Lords Proprietors appointing other deputies, the majority of whom, it is stated, were Quakers.

His mission was entirely successful. On his return he found that Cary had gone to South Carolina and William Glover was acting as president of the Council. There were some commotions, and in July, 1708, the new Council met and, notwithstanding the order removing Cary, as he now sided with Porter, he was elected president of the Council, although Glover claimed to exercise the functions of governor; and there were two governments, each claiming to be regular and lawful, and each proclaiming their opponents to be rebels and traitors. Under these circumstances an agreement was reached by the Glover faction and the Cary and Porter faction to submit the matter to the Assembly, and each government issued its separate writ for an election to be held on the 3d of October, 1708. The Porter faction carried the day, and although Glover and Pollock protested that the members should take the oaths, which would purge the body of the Quakers, that was not done by the Assembly, which was under Quaker control. Glover and Pollock thereupon fled to Virginia, and Cary, Porter and Edward Moseley, the speaker of the Assembly, and their adherents administered the government for two years, the affairs of Albemarle being orderly transacted, the courts held and the laws enforced; and during that period there was a considerable addition to the population, especially in Bath County. In August, 1710, Edward Hyde, a cousin to the Queen, reached Virginia,

expecting to receive there his commission as deputy governor of North Carolina, but Governor Tinte, at Charleston, who was to send him his commission, died without doing so. Both parties in Albemarle, however, invited Colonel Hyde to take the administration as president of the Council. An Assembly was called, which, under Hyde's influence, would not permit the Quakers to sit in the body, and strong ground was taken against the Porter and Cary faction, which now withdrew their adherence and declared that Hyde, having no commission, was not a legal governor. The new Assembly, on the other hand, charged Cary and Porter with being guilty of sedition, and impeached them for high crimes and misdemeanors. They escaped, however, and raised a revolt, and having a large force that was armed with munitions brought in by Captain Roach, an agent of Danson, one of the Lords Proprietors, who, like Cary, was closely connected with Governor Archdale, proceeded to make war on Hyde and his faction. On the morning of June 30, 1711, the Cary forces approached Colonel Pollock's house, and a conflict was imminent. But some uniforms were discerned among Hyde's forces that led to the belief that he had secured a reinforcement of British soldiers from Virginia, and Cary thought it a serious matter to make war on British troops, so his forces were at once dispersed. Shortly afterward Cary and Porter and several of their most active supporters proceeded to Virginia to take shipping for England, but were there seized by Governor Spottswood and were sent to England on board a man-of-war under charges of rebellion and sedition. They arrived in London on September 25th, but there being no evidence produced against them, were discharged from arrest. John Porter died a few months later at Bridgewater, in England.

Thus ended, after a period of ten years of constant struggle, the effort to perpetuate the constitutional right of the Quakers to hold office in North Carolina by subscribing an affirmation in lieu of taking oaths of office in common form. During the few days that intervened after the dispersal of Cary's forces and Porter's appearance in Virginia to take shipping for England, it was said by some of his opponents that he went among the Tuscaroras near the Vir-

ginia line and sought to incite them to hostilities against the Hyde faction, and some historians have ascribed the massacre of the 11th of September, 1711, to this action on his part. It is to be said, however, that those Tuscaroras, according to the contemporaneous accounts, rejected his overtures, and did not participate in the massacre and subsequent Indian War; and Colonel Pollock, in his account of that horrible affair, gives substantial and natural reasons for the Indian outbreak, that do not implicate Porter in it. Porter had been absent from the colony more than a month before the massacre occurred, and it seems to have been caused by the encroachment on the Indian territories along the Neuse and Pamlico rivers. Porter's youngest son, John Porter, who had married Miss Lillington, and his daughter Sarah, who had married John Lillington, and Dr. Maule, who had married one of his daughters, all lived in the region where the massacre occurred, and he could not have contemplated involving his own family in such a terrible destruction. In the succeeding generations Porter's descendants have been among the foremost men of North Carolina. He was a successful business man, among the wealthiest of his community, a man of force and power, of energy and influence. While sympathizing with the Quakers, and, like Edward Moseley, espousing their cause against the attempt to deprive them of the rights they had enjoyed in the colony for thirty or forty years, he was apparently not opposed to the establishment of the Church of England, for he took the contract for the erection of the first church that was built in the colony. His action in behalf of the Quakers seems to have been founded on his determination to uphold justice and to maintain the rights of the citizens.

S. A. Ashe.

THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX AND
TILDEN FOUNDATIONS

R

L

North Carolina, who traced their respective lineage to prominent English and Scotch origin. The Richardson family are of English descent, and they trace their ancestry in this country back to the early settlements on the James River in Virginia. The parents of Robert P. Richardson, Sr., and therefore the grandparents of Robert P. Richardson, Jr., were James Richardson and Anne Payne Ware. This lady, the grandmother of Robert P. Richardson, Jr., was the daughter of William Ware and Susan Payne, and the name "Payne" has been perpetuated in this branch of the Richardson family from her day until the present time. A sister of Susan Payne, whose name was Agnes, married Marmaduke Williams of Caswell County, North Carolina, a man of prominence and great influence in North Carolina from 1802 to 1810, when he removed to Alabama, where he continued his career of usefulness until his death.

The paternal great-grandparents of Robert P. Richardson, Jr., were James Richardson and Francis Harrison, who resided at Red Walnut, in Halifax County, Virginia, the latter a daughter of William Harrison of Halifax County, Virginia, who is said to have been of the same blood of Benjamin Harrison, one of the signers of the Declaration of Independence.

Anne Payne Ware, the grandmother of Robert P. Richardson, Jr., was a second cousin to Dorothy Payne Todd-Madison, known to fame as "Dolly Madison," and is said to have been a most remarkable woman. She was noted for her great strength of character, her untiring energy, indomitable will and persistent industry. She died, at an advanced age, on a railroad car while going to Mississippi to visit her son. She was twice married: first to James Richardson, by whom she had seven children—William, James, Edmund, Robert P., Susan, Mary and Elizabeth; and again to Stephen Sergeant, by whom she had two daughters—Margaret and Agnes—who married, respectively, General James K. Lea and Dr. Joseph Stanfield. Her son Edmund Richardson, a brother of Robert P. Richardson, Sr., accumulated a large fortune in Mississippi and Louisiana, and at one time he was reputed to be the very largest cotton planter in the world. Her son Robert P.

Richardson, Sr., was also twice married: first to Elizabeth N. Wright, by whom he had three daughters, two of whom, Sallie and Belle, married Colonel A. J. Boyd, and the third, Bettie, married Captain A. E. Walters of Virginia; and by the second marriage, to Miss Watlington, there were four children—Robert Payne, subject of this sketch; Edmund E., Anna J., who married E. M. Redd, and Marion Scott, who married W. P. Watt.

Robert P. Richardson, Jr., like his father and his grandmother, has also been twice married: first to Miss Bettie Watt, by whom he has one son, Pinkney Watt Richardson; and again, to Miss Margaret M. Watt, by whom he has two living children—Robert Payne, the third, and Margaret Elizabeth, and one dead, the eldest, Sarah Dillard. He was married to his first wife October 30, 1877, and she died August 30, 1882. He was married to his second wife December 20, 1892, and she still lives to bless his household. Both these ladies have been noted for their personal beauty, culture and refined womanly qualities. The childhood of Mr. Richardson was spent at the quiet old homestead, under the watchful eyes of devoted parents, and in attending the best schools the neighborhood and Reidsville then afforded. In after years he attended the high schools at Wentworth, North Carolina, the Rock House Academy, and at Melville, North Carolina, under the renowned teacher of his day, Dr. Alexander Wilson; and in 1872 he was student in the famous Bingham School at Mebaneville, North Carolina. In 1873 Mr. Richardson began his business career as a clerk in his father's store and as a partner in the business. His father at that time was a manufacturer, a merchant and a farmer, and it was characteristic of him to be very strict in his requirements of his son, and in a large degree to dominate the entire business. He required all who were about him to conform in a large measure to his own personal ideas and rules, and this characteristic applied to Sunday as well as Monday, for on Sunday he was always found promptly at the Presbyterian Church, and he strictly required his family to be there, "rain or shine," and this rule is still adhered to by him personally in his old age.

But the son inherited the same independent spirit and desire to be his own master, and rebelled against the confinement and limitations on his business freedom which were necessary in connection with his father's store, consequently he withdrew from this mercantile association, and spent a short time in the South in connection with his father's tobacco business. Returning in 1877, he engaged in the manufacture of smoking tobacco, adopting as the nucleus of his business the "Old North State" brand, which his father had originated and put upon the market in the year 1873, but at this time had decided to abandon. This business has continued, under the style of "R. P. Richardson, Jr., & Co.," with, from time to time, slight changes in the personnel of the firm, but at all times dominated in its policy and management by Mr. Richardson, with a constant growth in volume, until at the present time it has assumed large proportions, and has made the "Old North State" brand of smoking tobacco famous throughout the South.

Mr. Richardson began his career as a smoking tobacco manufacturer under conditions difficult to overcome, and such as were calculated to discourage a man lacking in patient perseverance and persistent determination to win success. While Reidsville's tobacco manufacturers had won more or less popularity for the town as a source of the various manufactured forms of chewing tobacco, he was its pioneer in the line of smoking tobacco. It was a very difficult matter to attract the attention of a smoker to any brand of smoking tobacco which did not emanate from Durham, North Carolina, which then, as now, was perhaps the most widely advertised town in existence in relation to any one article of commerce. This advertisement had its origin largely at the close of the Civil War, when and where two armies were disbanded, and, returning to their homes, they sang the praises of the tobacco manufactured at Durham throughout the whole country. Afterward the very name "Durham" *became* practically a synonym for smoking tobacco. The consequent prejudice which had to be met and overcome is difficult to conceive or believe.

Mr. Richardson was a young man scarcely past his majority,

with but little and imperfect business training and less personal acquaintance with the commercial world.

He possessed very limited means of his own, and his father, having suffered heavily in the panic of 1873 and the succeeding years of business depression, was so embarrassed financially as precluded his rendering him such assistance as he would otherwise have willingly given.

At this time, and for some years later, there was no bank in Reidsville, nor in his county, and it was necessary for Mr. Richardson to accommodate himself and his business to such banking facilities as he could command in towns more or less remote. The factory and equipment employed in manufacturing his product were necessarily of the rudest and cheapest construction. Undaunted by these conditions, Mr. Richardson put his hands to the plow, with confidence in the principles declared by him in response to the question, "From your own experience and observation, will you offer any suggestions to young Americans as to the principles, methods and habits which you believe will contribute most to the strengthening of sound ideals in our American life, and will most help young people to attain true success in life?"

He answered, "I cannot offer better advice to young men than to quote from the Great Counsellor's Sermon on the Mount, 'Seek ye first the kingdom of God and His righteousness, and all these things shall be added unto you.' I know of no safer rule, either from experience or from observation, for the guidance of men to really successful achievement than that of strict adherence to those fundamental principles of conduct evolved from a proper realization, appreciation and acknowledgment of one's personal obligation to God. The blush of diffidence with which this advice is submitted arises not from a doubt of the wisdom or efficacy of the precept, but from a consciousness of my own grievous shortcomings in its exemplification." By the daily and persistent application of these principles in business method and purpose, he slowly but steadily overcame the prejudice which decreed that Reidsville could not offer as good smoking tobacco as Durham or any other market to such extent that now every tobacco

manufacturing establishment in Reidsville not only has one or more brands of smoking tobacco, but regards it as of so much importance as to make this branch a leading specialty in its business, and Reidsville now claims to rank second only to Durham in the quantity of its output of high-grade smoking tobacco. He has, by his strict business integrity and careful promptness in meeting his business obligations, created, aside from the competence he has accumulated, a financial credit ample to meet the requirements of any reasonable enterprise he might undertake.

The factory in which he began his career has long since given place to a beautiful structure, massive and symmetrical, equipped throughout with the most modern and approved machinery. Mr. Richardson is a gentleman endowed with splendid physique and mental powers. He is quiet, modest and temperate in his manner and habits, and makes no pretensions to public speaking, but he understands and knows men. He has justly won the reputation of a "man of mark" in North Carolina, not only because he has built up a large business from a small beginning, but because of the means and principles through which he did it, which means and principles must ever be recognized as the true secret of success, and which are well worthy of imitation.

There are at least two classes of men of mark in North Carolina. The one class are those who are known throughout the State by their public utterances and by the high positions they occupy, and also by their splendid achievements and noble examples. The other class are those who are not generally known, except in the circumscribed districts in which they live. They are men who shrink from publicity, and are modest and unassuming in all their ways, and yet they exercise a wonderful influence by their sound judgment, wholesome advice and noble lives in building up the State in every department of its welfare and in fostering and maintaining its noble institutions. This class, perhaps more than any other, mold public opinion on all great moral and political questions, and sustain by their influence and liberal means the great educational and charitable institutions of the State. Mr. Richardson belongs to this class of North Carolina's

noble sons. His strong personality and good judgment, together with his integrity of character, make him no small factor in the conventions and councils of his fellow-men, looking to the welfare and guidance of both church and State. In politics Mr. Richardson is a Democrat of the "Cleveland" type, and he exerts a quiet but a large political influence in the community and county in which he lives. He was deeply interested in the great money question which agitated the country a few years ago, and, being an ardent advocate for the "Gold Standard," he voted the "Palmer and Buckner" ticket in the Presidential election of 1896. In religion Mr. Richardson is a staunch Presbyterian, and is a ruling elder in the Reidsville Presbyterian Church. His kind deeds and liberal gifts to all causes of charity and benevolence are well known, and he enjoys the confidence and esteem of all who know him. His fine intellectual gifts, his high ideals of true manhood, his strict integrity and purity of life, his constant attention to his business, his persistent and patient industry, his generous and forgiving nature, his liberal gifts to causes of benevolence and charity, and above all, his devotion to duty and unswerving faith in God, mark him not only as a successful business man, but as a "man among men," and as one who has learned the true secret of success.

D. I. Craig.





GRIFFITH RUTHERFORD

EXCEPT some of the most distinguished Continental officers, by far the most important military man evolved during our Revolutionary struggle in North Carolina was General Griffith Rutherford of Rowan County. The Rutherfords were originally Scotch. One of the most distinguished of the name was Rev. Samuel Rutherford, who, in 1644, published his "Lex Rex," which gives him a prominent place among the early writers on constitutional law. On the Restoration this work was ordered to be burned, and he was charged with high treason, but died in 1661 before he was brought to trial. Later some members of his family removed from Scotland to Ireland, where John Rutherford married a Miss Griffith, a lady from Wales. Their son, Griffith Rutherford, sailed from Ireland to America in 1739, accompanied by his wife and their only son, Griffith, then about eight years of age. The parents died either on the voyage or soon after their arrival, and young Griffith Rutherford, the subject of this sketch, fell to the care of an old German couple.

When about twenty-two years of age, probably about 1753, he came to Rowan County along with the early settlers of that region. In 1756 he purchased from James Lynn two tracts of land on the south fork of Grant's Creek, about seven miles southwest of the little settlement of Salisbury, and adjoining the land of James Graham, whose sister Elizabeth he married about that time. Their

son, James Rutherford, killed at the battle of Eutaw, was a major in 1780 and was born probably in 1757.

Although General Rutherford's education was not a finished one, it was not so deficient as to be a hindrance to him in public life. His residence was in the center of the Locke settlement, and his association was with the best people of his section.

A man of strong character, resolute and of unusual capacity and sterling worth, he early attained a position of prominence. He was a member of the Assembly as early as 1766, and about 1769 he was sheriff of Rowan County. He was in the Assembly of 1770 and 1771, and was then captain of his militia company in his section of Rowan.

As the Regulators of Rowan County questioned the legality of the fees taken by the officers of that county, Rutherford and Frohawk and Alexander Martin and other officers of whom they complained agreed that the matters in dispute should be referred to a committee of citizens, some being chosen from among the leaders of the Regulation and others having the confidence of the people, such as Matthew Locke and Thomas Person. This agreement was entered into at Salisbury on March 7, 1771, and was satisfactory to both officers and the people, and if it had not been interfered with, but had been carried into effect, it probably would have been the entire solution of the question then agitating the western counties. But Governor Tryon disapproved of it as being unconstitutional, and pressed forward his military movement, that resulted in the battle of Alamance two months later.

Rutherford, being captain of a militia company, was active in restraining excesses of the Regulators, and he led his company into General Waddell's camp, and it was by his advice that Waddell retired before the Regulation forces and avoided a battle with the people. Immediately after the battle of Alamance he, along with Waddell's other troops, joined Tryon's army, and he continued on that service until the forces of the province were disbanded. But while an active force in sustaining law, order and government, yet Rutherford was not arbitrary in his intercourse with the people, and if the prudent and patriotic course agreed

on by him and the other officers of Rowan County had not been disapproved of by Governor Tryon, the Regulators would probably have been entirely satisfied and the country pacified without any resort to arms.

The people of Rowan continued to elect Rutherford to represent them in the Assembly, and he was a member continuously until 1774, and he was a member of the Provincial Congress of 1775. Under the influence of Rutherford and his associates, the inhabitants of Rowan County were very forward in their Revolutionary proceedings. On June 1, 1775, the committee laid a tax to meet expenses, and offered an association paper for the military companies to sign, agreeing to sacrifice their lives before surrendering their constitutional rights. On the same day they addressed a letter to the committee of Mecklenburg asking them to interchange communication of their respective proceedings, and besought their co-operation. They did not know then of the still greater action taken by the committee of Mecklenburg the day before declaring null and void all royal commissions, overthrowing the government of the Crown and establishing a free and independent system of government, the officers being chosen by the people themselves—being actual independence.

At the Provincial Congress of September, 1775, Rutherford was appointed colonel of Rowan County, and also appointed on the Committee of Safety for the Salisbury district. In December the Provincial Council organized a battalion of minute men in Rowan and appointed him colonel of the same. Rutherford was in all the subsequent Provincial Congresses, and assisted in framing the constitution of the State.

As colonel of the Rowan regiment, he led his command into South Carolina against the Scovelite Tories in the "Snow campaign" in December, 1775, and his conduct was so satisfactory that when brigadier-generals were provided for in April, 1776, he was appointed brigadier-general of the western district. A few months later the invasion by the Indians planned by Governor Martin threw Rowan County into a wild state of excitement. In the first week in July bands of warriors crossed the mountains and fell on

the settlers on Crooked Creek (near Rutherfordton), and a large force, establishing headquarters on the Nollichunky, came up the Toe and, passing the Blue Ridge, carried murder and desolation into that part of Rowan County. "Thirty-seven persons were killed last Wednesday and Thursday on the Catawba River," and "Colonel McDowell and ten men more and one hundred and twenty women and children are besieged in some kind of a fort and the Indians around them." "Three of our captains were killed and one wounded. This day I set out with what men I can raise for the relief of the district." Such was the hurried report of General Rutherford to the Council of Safety. By the 19th of July Rutherford had marched with 2500 men to protect the frontier, and on the 29th, with a detachment of 500, he crossed the mountains and dislodged the Indians, who had established themselves on the Nollichunky. A month later, the Council of State being then in session at Colonel Lane's at Wake Court House, President Samuel Ashe directed General Rutherford to proceed against the Indians in their stronghold. He crossed through Swannanoa Gap and over the mountains to the Tuckaseegee and down Valley River and the Hiwassee, entirely destroying every Indian town and driving the Indians across the Smokies. This expedition through the unbroken wilderness was most successful, and must have largely enhanced Rutherford's reputation. He returned in time to attend the Provincial Congress of November, 1776, and he represented Rowan County in the Senate from 1777 to 1786, with the exception of two years, 1781 and 1782. Quiet reigned in Western North Carolina in the early years of the war, but in 1779 General Rutherford marched his brigade to the Savannah to the aid of General Lincoln, and in June, 1780, he suppressed the Tories at Ramseur's Mills, and threatened Lord Rawdon in South Carolina, and dispersed the Tories on the Yadkin. He marched with Gates to Camden, where, on the 16th of August, 1780, while bravely fighting, he was wounded and taken prisoner. He was confined at St. Augustine until, in the summer of 1781, he was exchanged and again reached his home. Major Craig, with his British troopers and Tory bands, was then

dominating the whole Cape Fear region. As quickly as possible General Rutherford assembled his brigade and marched upon these British forces. On his way he drove the Tories before him, and about the middle of November approached the town; but just then Major Craig received information of the surrender of Cornwallis, and hurriedly evacuated Wilmington and escaped in his shipping. Thus from December, 1775, until the last British soldier was expelled from the limits of the State, in November, 1781, he was one of the most important actors during the Revolution, and while not so distinguished as Howe, Sumner or the lamented General Nash, he rendered immediately to the people of North Carolina more signal service than any other North Carolinian during the war.

After peace he continued an influential public man and State senator until 1786, when he removed to Tennessee; and in 1794, upon the organization of the "Territory south of the Ohio," President Washington appointed him a member of the legislative Council of that Territory, and he was chosen president of that body, and conducted its affairs. Six years later, in 1800, he died at his home in Sumner County much lamented, and his fame and services have been perpetuated both in North Carolina and in Tennessee by naming a county in his honor. His son, John Rutherford, married a daughter of Matthew Locke, the founder of the Locke family of Rowan County, and his descendants still reside in Tennessee.

S. A. Ashe.

THE NEW YORK
PUBLIC LIBRARY
ASTOR LENOX AND
TILDEN FOUNDATIONS
P. L.

gone in and out among this people, have walked the ways of men in this county, and have become a part of its life and history. Mr. Scott is of Scotch-Irish descent, a people noted for their courage, conservatism and love of freedom. Of Irish descent was Thomas Scott, a Pennsylvanian, who some time before the Revolutionary War emigrated to North Carolina and settled in Guilford County. He was the father of Adam Scott, who was a native of Guilford County, where he was born in 1772. He died in 1837, having lived his life in Guilford County. John D. Scott was a son of Adam Scott and the father of Levi M. Scott, and was born in Guilford County in the year 1800. He devoted his entire life to agriculture in Guilford County. He was a patriotic, public-spirited citizen, and very fond of military life, and was for many years Colonel in the North Carolina Cavalry. In 1824 he married Miss Jane McLean, daughter of Marshall McLean of Guilford County, a family whose name had been connected with the history of the county for over a century, and whose ancestors came from the bonnie hills of Scotland. Their home was blessed with three children, Allen H. Scott, who became a farmer and spent his life in the county; Levi M. Scott, and William L. Scott, who became a lawyer, and in 1856 moved to Georgia and formed a partnership with Hon. Benjamin H. Hill. In 1858, however, he returned to North Carolina and formed a partnership with his brother, Levi M. Scott, under the firm name of "Scott & Scott."

During a sojourn of his father and mother in Rockingham County, June 8, 1827, Levi M. Scott was born. While yet an infant he was brought back to Guilford County. Living in the country, he attended the schools most convenient and read the papers of the day. It was while reading in the newspapers, at his father's home in the country, the debates participated in by great lawyers of that day, and the speeches of statesmen in Congress and our State legislature, that he first conceived the idea of becoming a lawyer himself. This was before he had ever seen a Latin grammar or attended any other than a public school. At the age of eighteen he entered the Greensboro High School. This was in 1845. At that time the faculty consisted of Rev. Dr. Eli W.

Caruthers, President and professor of Greek; Professor Silas C. Lindsley, who taught Latin, and Professor Joseph A. McLean, M.D., an uncle of Mr. Scott's, who was professor of mathematics. Upon entrance into student life at the high school he joined the Hermean Literary Society, where he at once became distinguished for his powers of debate. During the year he was elected its President, and at the end of the term was chosen by the Faculty to deliver an original address at the commencement. In the Society he formed close friendships with Hon. Victor C. Barringer of this State and Hon. Benjamin H. Epperson of Texas, his fellow-students, who were afterward renowned for their eloquence and statesmanship. The years 1847 and 1848 he spent at Alamance Academy as a pupil of Dr. Caruthers, one of the most eminent educators of his day, who had then severed his connection with Greensboro High School, and had opened a Classical School in his Alamance congregation, where he had preached since the death of Dr. David Caldwell in 1824, and where he continued to preach for many years afterward.

It was while teaching the high school in Greensboro, in the years 1849 and 1850, that Mr. Scott began the study of law, having for his instructor Hon. John A. Gilmer, the elder. In 1851, however, he received the appointment as postmaster at Greensboro under President Fillmore, which he held until 1853, when he resigned his position on account of his election to the office of clerk of the Superior Court of Guilford County. While postmaster, in August, 1851, he received his license to practice law in the county courts from the Judges of the Supreme Court, Thomas Ruffin, Frederick Nash and Richmond Pearson. He stood his examination at Morganton, where the Supreme Court had met for the convenience of the lawyers in the western part of the State. There being at that time no railroads in that part of North Carolina, all the lawyers came to court by stage or on horseback. On December 30, 1852, he received his license to practice in the Superior Courts of the State.

He visited Washington for the first time while postmaster. During this visit of about a week he visited the Houses of Con-

gress daily and listened to the speeches of Senators Cass of Michigan, Stephen A. Douglas of Illinois and William H. Seward of New York and many other senators and representatives. A part of the time he spent with Hon. William A. Graham of North Carolina, who was then Secretary of the Navy, and while here also he made the acquaintance of General Winfield Scott, the hero of the Mexican War, who was then filling temporarily the office of Secretary of War, in the absence of the Secretary from the city. Here also he heard Louis Kossuth, the great Hungarian, deliver an address at the Smithsonian Institute, and saw the celebrated Catherine Cushman, as Lady Macbeth, at the theatre, who afterward played before Queen Victoria.

In the summer of 1856 he became a candidate for the House of Commons, now called the House of Representatives, and upon being elected resigned his office as clerk of the court. In politics he was of the faith of his father before him, a Whig, and opposed to free suffrage, which was then proposed as an amendment to our Constitution, and which was promulgated by Governor Reid in his campaign for governor and finally ratified by the legislature of 1856-57. Believing that property should be represented in one branch of the legislature as established by our fathers, Mr. Scott voted against the measure, and had his vote so recorded. In the year 1858 he was elected solicitor for Guilford County for a term of four years, and at the expiration of the same was re-elected for another term of four years, filling the office with honor to himself and satisfaction to the public.

Mr. Scott was married in 1861 to Miss Mary E. Weatherly of Guilford County, a woman of surpassing beauty, of splendid attainments and for many years a leader in the social life of Greensboro. She was a daughter of Mr. Andrew Weatherly. Two children were born to this union, the surviving one being Mrs. Lily Scott Reynolds of East Orange, New Jersey.

The State convention, commonly known as the Secession convention, in its third session in Raleigh, on the 8th day of February, 1862, chartered the "Piedmont Railroad Company," with authorized capital of \$1,500,000, for the purpose of connecting the

North Carolina Railroad at Greensboro with the Richmond and Danville Railroad at Danville. It was a war measure, and authority was given to the Commissioners named in the act to confer with the proper authorities of the Confederate States Government and, if possible, interest them in the building of the road. The policy had been for many years that no internal improvements, such as railroads, should lead out of the State, the purpose being to build up a seaport city at Beaufort, Morehead City or some other point on our coast, and that all railroads should connect with lines feeding these points. This policy was strongly urged by President Joseph Caldwell of the University, Judge A. D. Murphey, Governor John M. Morehead and others, that our commerce, as far as possible, might be kept within the borders of our own State, and thus build up for North Carolina a port for the shipment of all our products instead of allowing them to go out through the ports of Charleston, South Carolina, and Richmond and Norfolk, Virginia. But for the war probably the building of a road from Greensboro to Danville would have been deferred for many years; however, it was felt to be a military necessity, for Greensboro had become the headquarters for large commissary and quartermaster stores for the purpose of supplying the armies in and around Richmond, and the inconvenience of hauling them with wagons from Greensboro to Danville was greatly felt. It was also necessary in order to transport soldiers between the two points, thus establishing railway connection between the Southern States and Richmond. Among the commissioners named in the charter was Levi M. Scott, Jesse H. Lindsay and Ralph Gorrell of Guilford County. A portion of the commissioners, including Mr. Scott, Mr. Lindsay and Mr. Gorrell, in pursuance of the power vested in them, visited Richmond and held frequent consultations with the Secretary of War and the Secretary of the Treasury of the Southern Confederacy, and after much effort secured the consent of the Government to undertake the building of the road, and in a remarkably short time the road was constructed, and was continuously operated during the remainder of the war.

As a lawyer, Mr. Scott has been signally successful. For many

years he had the largest clientage in this section of the State, and his practice yielded large returns. During the fifty-three years he has been in the practice he has had only two law offices, one just across North Elm Street from the court-house, in the square, one-story brick building still standing, and the other in his building on Court Square, where he has been for over thirty years. In his first office the post-office of Greensboro was kept by him when appointed in 1851; it was in this office also that he kept the office of the clerk of the Superior Court, and it was in this office that Governor Z. B. Vance, when forced to leave the State Capitol on account of the approach of the enemy, made his headquarters for about a week. The proclamation of April 28, 1865, was written by Governor Vance in this office while making it his headquarters during the war. Mr. Scott practiced for the most part in the old Fifth Judicial District, in the counties of Guilford, Alamance, Davidson and Randolph, with occasional attendance upon the courts of other counties, generally Forsyth, Rockingham, Caswell, Orange, Wake, Rowan and Iredell. Since the war he practiced in the United States courts at Raleigh and New-Bern for many years until the Federal Court was established at Greensboro.

His first appearance in the Supreme Court of the State was at the December term, 1860, in the case of *Wiseman v. Cornish*, which is reported in 53 North Carolina Supreme Court Reports, and he has continually practiced in this court until the present time, having tried a very large number of important cases, in which he has been remarkably successful, and in which are settled and established many important principles of law.

The only fraternal order to which Mr. Scott belonged before the war was the Independent Order of Odd Fellows. He joined the Buena Vista Lodge, No. 21, in Greensboro, in 1850. At the beginning of the war there were about fifty subordinate lodges in the State. The Grand Lodge had met at Statesville in July, 1860, at which time the membership was about 1300. At the close of the war every subordinate lodge in the State suspended and ceased to work excepting the Neuse Lodge, No. 6, at Golds-

boro, and the Buena Vista Lodge, No. 21, at Greensboro. In the eastern part of the State nearly every lodge had been ransacked and their property and effects destroyed while their members were in the army fighting for their country. A call was issued for a meeting of the lodges in grand session at Greensboro on the 13th of December, 1865; but only two lodges were present; therefore, an adjournment was had to meet at the same place on July 26, 1866, when the Grand Lodge was opened by Deputy Grand Master W. R. Edwards, and representatives of nine lodges only appeared. At this meeting Levi M. Scott was elected Grand Master of the Grand Lodge of the State. He filled this office with signal success and marked ability. At the next meeting his address to the body was a magnificent effort, and the rehabilitation of the lodges throughout the State was in great degree through the zealous, constant and unremitting labor and zeal on his part. With their property destroyed, and battling against the extreme poverty following upon the heels of war, it took much effort to revive them again.

Mr. Scott was appointed Receiver of Sequestered property by the Confederate Government in 1862, which position he held until the close of the war. His duties were to collect all debts owing Northern creditors from Southern debtors for the benefit of the Confederate States. In 1885 he was appointed a member of the Board of Directors of the State Penitentiary, and held this position until 1889.

The personality of Mr. Scott is most attractive. As a lawyer he is persevering, accurate, methodical, prompt. He is courteous and respectful to his brethren of the bar and to the officers of the court, but never lavishly so. He is obsequious to no man, but is firm, independent and reserved, and of calm, dignified bearing. I doubt that any man ever saw him lose his self-possession even in the most heated argument or the most closely contested case. He has an equanimity and well-balanced mental state which is seldom found. When he once undertakes a cause, he spares no labor in its preparation, and at the trial he is careful, cautious, deliberate, a master of his case, courageous and bold without being

overly aggressive. He never gives up, but holds on with a tenacity unsurpassed and peculiar to himself. He relies entirely upon the law and facts and is entirely devoid of trick or artifice. He is learned in the deep underlying principles of the law and familiar with the decisions of our courts. He takes no mean advantage, but is a foe to be dreaded in the court-house. He spares no labor; he never gives up.

In personal appearance Mr. Scott is tall, straight and his hair and beard are white as the driven snow. He is always cleanly in his appearance, modest and elegant in his dress and in manner unassuming. He is warm-hearted, unselfish and kindly in manner, and charitable in his deeds and estimates of men, and has always had that gift of reasonableness and caution which has ever kept him clear of factions and conflicts. To his friends he has always been attractive, for he has ever been faithful, kind, gentle, courteous, patient and enduring, and sensitive to every obligation to keep it. He has always been, and is to-day, truthful, honorable and an example of ethics in the practice of his profession and in his life. He has a fraternal feeling for the profession to which he belongs and a pride in its glory and the maintenance of its standards. He has retained the confidence of all who have trusted him through life, and nearing four-score, he is fond of a joke, laughs heartily, loves the conversation of friends and has preserved through the years a sweetness of spirit which makes him esteemed by all who know him.

A. Wayland Cooke.



HENRY SEAWELL

IN 1797 one lawyer constituted the entire bar of North Carolina's capital city, and that lawyer was Henry Seawell, who was born in the whilom county of Bute (the part afterward Franklin County) on the 23d of December, 1774. He was the son of Joseph Seawell and his wife, Martha Macon, daughter of Gideon Macon and a sister of the eminent statesman, Nathaniel Macon. Joseph Seawell was a son of Benjamin Seawell of Bute County and a brother of Colonel Benjamin Seawell of the Revolution.

Though Joseph Seawell spent the greater part of his life in his native community, his last days were passed in Moore County, where he owned extensive landed possessions. His grave is in Moore County, and the monumental inscription over it tells us that he was born March 9, 1745, and died July 4, 1826. This was the fiftieth anniversary of the Declaration of Independence and the same day on which Thomas Jefferson and John Adams died.

Though the educational advantages of his section were not many in his youth, Henry Seawell was a well-read man and a master of forceful English. His license to practice law is dated April 10, 1797, and signed by John Haywood and David Stone, judges of the Superior Court. About this time Mr. Seawell removed to Raleigh, and in 1799 was elected a member of the North Carolina House of Commons. At three succeeding sessions, from

1800 to 1802, inclusive, he was again Wake's representative in the Commons, and also in 1810 and 1812. At eight sessions of the Assembly, from 1821 to 1826, inclusive, and in 1831 and 1832, he was State senator from Wake County. In 1803 he was elected attorney-general of North Carolina, and held that post until 1808. In July, 1811, he was appointed a judge of the Superior Court, and served until the end of the year. However, he was again appointed to the same office in April, 1813. At this period there were no distinctive Supreme Court judges, and appeals lay to the Superior Court judges in conference. In the fall of 1818 a Supreme Court of three justices was provided for, and Judge Seawell, who was unsurpassed in ability by any of his competitors, was a candidate for this higher office, and not being elected, in the succeeding February he retired from the bench. For a third term he went on the bench, being elected in 1832, and this time he served until his death.

In the constitutional convention of 1835 Judge Seawell was a delegate from Wake County, and wielded a strong influence in that body. He was largely instrumental in abolishing borough representation in the legislature, and voted against the enactment providing that the Assembly should meet biennially instead of annually. He opposed the action of the convention in depriving all free negroes of the right of suffrage, but was in favor of placing as a qualification upon their right the requirement of at least five years' residence and the regular payment of taxes during that period. Along the same line, when a later vote was taken on vesting the right of suffrage in free negroes who were property-holders, he favored giving them that right, but the proposition was voted down, and negroes were disfranchised *in toto*.

The greatest debt of gratitude was due Judge Seawell from the city of Raleigh on account of his vigorous and successful action in preventing the removal of the seat of government therefrom after the old Capitol was burned, on the 21st of June, 1831. After that fire strong and well-nigh successful efforts were inaugurated by Fayetteville to take the capital from Raleigh, and the fight in favor of Raleigh was led by Judge Seawell.

In his centennial address on the city of Raleigh in 1892 Hon. Kemp P. Battle says: "Judge Henry Seawell, then senator from Wake, is credited with saving our city from the threatened ruin. He procured the passage of a bill appropriating \$50,000 for the erection of the Capitol on the old site, many members being persuaded by the over-sanguine promises, it is said, that this amount would finish the work. The commissioners, who had the nerve to expend the whole appropriation in laying the foundation of a structure worthy to be called the official house of a million people, deserve to have their names handed down. They were eminent for business talent and integrity. They were William Boylan, Duncan Cameron, William S. Mhoon, Henry Seawell and Romulus M. Saunders. All were Raleigh men except William S. Mhoon of Bertie, who was a temporary resident, then and until 1835 treasurer of the State."

While it is generally conceded that Judge Seawell was one of the strongest criminal lawyers who ever appeared at the bar in North Carolina, his knowledge and ability extended to other branches of the law as well. In 1823 he became one of the commissioners and arbitrators on behalf of the United States to carry out some provisions of the Treaty of Ghent, involving complex questions of international law. His American colleague was the Hon. Langdon Cheves, former speaker of the House of Representatives of the United States, while the British members of the commission were George Jackson (whose later diplomatic achievements won for him the honor of knighthood) and John McTavish. Of this commission young Charles Manly (afterward governor of North Carolina) was the secretary, and later declared that it was a matter most flattering to his State pride to see how strong an influence Judge Seawell exerted over the deliberations of this tribunal, composed, as it was, of men who had made diplomacy and international law a life study.

The death of Judge Seawell occurred in Raleigh on the 6th of October, 1835. The Raleigh *Register* of the 13th of October said:

"Died: In the immediate vicinity of this city on Tuesday night last of congestive fever, in the sixty-third year of his age, the Hon. Henry Sea-

well, a judge of the Superior Courts of Law and Equity in this State. Judge Seawell was attacked with the disease which terminated his earthly career in Nash County, while discharging the functions of his judicial office. He was enabled, however, to reach home, and died in the bosom of his afflicted family; and on Thursday his mortal remains were attended to the grave by an unusually large number of sympathizing relatives and friends. . . .”

Judge Seawell's wife was Grizelle Hinton, daughter of Major John Hinton, Jr., and a granddaughter of Colonel John Hinton. An account of Colonel Hinton will be found elsewhere in this work. At the time of Judge Seawell's marriage, April 17, 1800, the scarcity of clergymen in Wake County rendered it necessary to engage magistrates to perform such ceremonies. The *Raleigh Register* of April 22, 1800, contains the following notice:

“Married: At Major John Hinton's, in this neighborhood, on Thursday last, by Cargill Massenburg, Esq., Henry Seawell, Esq., of this city, one of the representatives of this county in the General Assembly of the State, to Miss Gracy [*sic*] Hinton, daughter of the major.”

By this marriage Judge Seawell had seven sons and two daughters. One of his sons, the late Richard B. Seawell of Raleigh, was father of Joseph L. Seawell, Esq., now deputy clerk of the Supreme Court of North Carolina.

Judge Seawell is interred in his family burial ground near Raleigh, on the Tarboro Road, about half a mile eastward of Oakwood Cemetery.

Marshall De Lancey Haywood.



JOHN SITGREAVES



IN the army, at the bar, on the bench and as a member of Congress John Sitgreaves of New-Bern, North Carolina, occupied an honorable station. An account of the family of Sitgreaves, of English origin, which stayed for a while in Pennsylvania, and some of whose members are mentioned as living in New-Bern, will be found in the *Pennsylvania Magazine of History and Biography* for 1889, Vol. XIII., page 254.

Thomas Sitgreaves was born in Philadelphia in 1731, and was a resident of New-Bern, North Carolina, where he was a supporter of the American cause during the Revolution, and was marshal for the Court of Admiralty for the port of Beaufort, etc.

John Sitgreaves was born in 1757. His military career in the army of the Revolution probably began on the 16th of April, 1776. That is the earliest date of his services of which we have any record, being the time when he received his commission as second lieutenant in Captain William Caswell's company of the Fifth North Carolina Continental Regiment, commanded by Colonel Edward Buncombe. How long Sitgreaves remained in the service or what ranks he held after his first appointment we are not informed further than the fact that he was an aide-de-camp to General Richard Caswell when the forces of that officer were routed at the battle of Camden, on the 16th of August, 1780. After

the return of peace Mr. Sitgreaves was elected to represent the State in the Continental Congress of the United States, serving during the years 1784-85.

After his return home he represented the borough of New-Bern in the North Carolina House of Commons for a number of terms, the first session being that of 1786. Being also a member in 1787, he was then elected speaker of that body. He was also a member at the sessions of 1788 and 1789. In the convention at Hillsboro, which met on the 21st of July, 1788, and rejected the Constitution of the United States, he was one of the minority members who favored the ratification of that instrument.

To fill the vacancy caused by the death of the Hon. John Stokes, President Washington appointed Mr. Sitgreaves judge of the United States Court for the district of North Carolina, and this office he held up to the time of his death, in 1802, when he was succeeded by Judge Potter, whose term of service continued until December, 1857.

Judge Sitgreaves married Mrs. Martha Jones Green, daughter of the noted Revolutionary statesman, General Allen Jones, and widow of James W. Green. In addition to one or more who died young, two children were born to this marriage—John Sitgreaves, born May 1, 1799; married Anne Love, was a citizen of York County, South Carolina, and died in November, 1868, leaving five children. His other child was Amaryllis. She married Frederick Lafayette Jones Pride; this gentleman was a son of Major Cadwallader Jones, and assumed the additional name of Pride (as did also his brother, Halcott Jones) at the request of a maternal uncle, Halcott Briggs Pride.

The genealogical data just given we gather from a history of the Jones family, which was written by the late Colonel Cadwallader Jones of South Carolina. In that work we also find an anecdote of Judge Sitgreaves which might lead one to think that he found little difficulty in ruling his house. It seems that on one occasion he was entertaining a party of friends, including General Davie. When the company had been there a short time, Sitgreaves turned to his children and told them it was bedtime, whereupon

they promptly retired. "You see we have them well trained," said Mrs. Sitgreaves to General Davie. "Yes," answered the general, "and if he had said, 'Mrs. Sitgreaves, it is time to retire,' you would have marched also."

Judge Sitgreaves died at Halifax, North Carolina, on the 4th of March, 1802. His death is noted in the *Raleigh Register* of March 16th as follows:

"Died: At Halifax on the 4th inst., John Sitgreaves, Esq., judge of the Court of the United States for the North Carolina District. He served for a time as an officer in the Revolutionary War. After peace, he was chosen a member of Congress under the Confederation. He was repeatedly elected a member of the legislature of this State for his native town, New-Bern, and for several years past he held the office of which he died possessed."

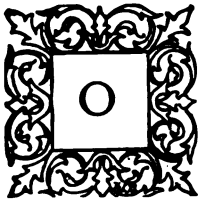
The monument over the grave of Judge Sitgreaves at Halifax records the fact that "After spending a life of honor and integrity in the service of his country, he ended his days on the 4th of March, 1802, aged forty-five years."

By an etched likeness, which is the work of Albert Rosenthal of Philadelphia, and taken from an original painting, we learn that Judge Sitgreaves was a man of elegant appearance and decidedly patrician cast of countenance.

Marshall De Lancey Haywood.



BENJAMIN SMITH



N the settlement of Brunswick, Roger Moore came from South Carolina and built at Orton his plantation about two miles from the new town, where as early as 1734 he kept open house. An English gentleman who visited the Cape Fear in that year along with thirteen other fellow-travelers, having arrived at Brunswick, says: "Mr. Roger Moore, hearing we had come, was so kind as to send fresh horses for us to come up to his house, which we did, and were kindly received by him, he being the chief gentleman in all Cape Fear. His home is built of brick, and exceedingly pleasantly situated. He has a pleasant prospect of Brunswick and of another beautiful brick house, belonging to Eleazar Allen, Esq., late speaker to the Commons in the province of South Carolina." Roger Moore married first Catherine Rhett, whose sister was the wife of Allen. Moore and Allen were of the Council, and remained so under Governor Johnston. Because of his great wealth and very large number of slaves, Roger Moore was familiarly known as "King Roger." By Miss Rhett he had a daughter, Sarah, who married Thomas Smith of South Carolina, who was the son of Colonel Thomas Smith and Sabina Smith, one of the daughters of Thomas, the second Landgrave Smith of Carolina.

In 1690 a grant of 20,000 acres had been located by Landgrave Smith on the Cape Fear, near Brunswick, and the deeds of 1725

called for and recognized that line. There had thus apparently been an abortive attempt at settling the Cape Fear at that early period by the grandfather of Thomas Smith, who married Sarah Moore. Sabina Smith's granddaughter, Caroline, married Lucien Murat, a son of Marshall Murat, who married the sister of Napoleon; while from the marriage of Sarah Moore and Thomas Smith are sprung the Bees and Grimkes of South Carolina, and the Rhetts, who changed their name from Smith to that of their grandmother, Catherine Rhett, whose family in South Carolina had become extinct; and Benjamin Smith, the subject of this sketch.

Benjamin Smith inherited not merely wealth, but fine talents and high social station.

That he was well educated is quite certain. While still young, just twenty-one years of age, he served as aide-de-camp of General Washington in the dangerous but masterly retreat from Long Island after the defeat of the American army in August, 1776. He behaved with conspicuous gallantry in the brilliant action in which Moultrie, in 1779, drove the British from Port Royal Island and checked for a time the invasion of South Carolina. A Charleston paper says: "He gave on many occasions such various proof of activity and distinguished bravery as to merit the approbation of his impartial country."

In 1783 he first appeared in the General Assembly of North Carolina, representing Brunswick County in the Senate. He was a member of the constitutional convention of 1788, that declined to accept the Federal Constitution, and in that body co-operated with Iredell and others to secure its adoption. He was a member of the convention that adopted the Constitution, and was on the committee that prepared the amendments which North Carolina proposed to the Constitution. He was supported for senator in 1789, but Hawkins, a western man, was elected.

When the act incorporating the University of North Carolina was passed in 1789, he was named among the other eminent men who composed the Board of Trustees, and at the first meeting of the board, on the 18th of December, 1789, he donated to the

University land warrants for 20,000 acres of land, and set an example for others to follow who had at heart the cause of education. He remained a trustee of the University until 1824, and was president of the board during his administration as governor of the State. In 1791 he again became a member of the Assembly, and except the three years of 1801, 1802 and 1803, he continued in the State Senate until his election as governor in the fall of 1810, and he was again in the Senate in 1816. He was speaker of the Senate from 1795 to 1799. In 1800, although a member of the Senate, he was defeated for speaker of that body by Joseph Riddick, and at the next election he was defeated for senator by William Wingate. About that time partizan politics ran so high, and the overthrow of the Federalists by the Jeffersonian Democracy was so hard to bear, that many personal conflicts ensued. There is a tradition of a duel that Smith fought with Thomas Leonard, a political opponent, arising from politics, in which the General was seriously wounded. The ball could not be extracted, and he carried it in his thigh to the end of his days. Indeed, General Smith was quick to resent an affront, and before that had been engaged in several duels. When there was danger of war with France in 1797, he was appointed general of the militia, and the entire militia of Brunswick County, officers and men, roused to enthusiasm by an address he made, full of energy and fire, volunteered to follow his lead in a legionary corps for service against the enemy.

Up to 1792 there were no residences in the vicinity of Fort Johnston, near the mouth of the Cape Fear. About that time Mr. Joshua Potts of Wilmington and some other gentlemen determined to lay off a town there. At first General Smith, who was in the legislature, was not favorable to its incorporation, but in that year he gave his assent, and succeeded in having the act passed, and the town was called Smithville in his honor. But a century later the name was changed to Southport.

General Smith married Miss Sarah Dry, daughter and heiress of Colonel William Dry, the collector of the port in colonial times, and a gentleman of fine education and accomplishments. She was

a direct descendant from Cromwell's admiral, Robert Blake, and, like General Smith, had a large estate.

General Smith had become security for Colonel Reed, the collector of the port of Wilmington, who was a defaulter to the Government; and to discharge his liability General Smith contracted to build the Tapia work at the fort, and in 1804 was engaged in doing that. It was a very large undertaking, the Tapia being made from raw shells, sand and water, together with lime, that was burned by General Smith on the ground, and it entailed great expense, which, together with some other misfortunes, impaired his resources. On the 28th of June, 1805, General Smith fought a duel with Captain Maurice Moore, the meeting taking place in South Carolina, where stands the boundary house of the two States, the line running through the center of the hall of entrance. At the second fire General Smith received his antagonist's ball in his side and fell, but after a few weeks' confinement he recovered from the effects of this wound.

In social accomplishments, in high character and in the esteem of the gentlemen on the Cape Fear, General Smith had no superior. It was from his garden in Smithville that Mrs. Gibbs obtained the cutting of a grape vine, which, transplanted to New York in 1824, was named for her the "Isabella grape."

General Smith was a statesman of pronounced views. He was in advance of his generation. On his election as governor in 1810, he recommended the adoption of a penitentiary system, and appealed for a reform of the too sanguinary criminal code of the State; recommended domestic manufactures, and urged "that too much attention could not be paid to the all-important subject of education. A certain degree of education should be placed within the reach of every child in the State. I am persuaded that a plan may be formed upon economical principles which will extend this boon to the poor of every neighborhood, and at an expense trifling beyond expectation when compared with the incalculable benefits from such a philanthropic system;" and he continued to urge the establishment of these public schools, subject to proper superintendence, from public considerations. Thus

by precept and example he sought to interest the men of his generation in the subject of general and popular education; and a man of large benevolence, he promoted enterprises that tended to the amelioration of the condition of the people. He was a zealous Mason, and for three years, from 1808 to 1811, he was Past Grand Master of the Grand Lodge of North Carolina.

At the time of his death, January, 1826, he was involved in pecuniary difficulties, and some of his creditors resorted to unusual measures to procure the payment of their debts, and in his last days he was greatly harrassed; but on the close of his eventful life he found a quiet resting place in the graveyard of the Episcopal Church at Wilmington.

In 1853 General Joseph Gardner Swift of New York, who had in his younger days enjoyed intimate association with General Smith, caused to be erected over the grave of Mrs. Smith in the old Brunswick Cemetery a marble slab with this inscription: "In Memory of that Excellent Lady, Sarah Rhett Dry Smith, who died the 21st of November, 1821, aged 59 years. Also of her Husband, Benjamin Smith of Belvedere, once Governor of North Carolina, who died January, 1826, aged 70."

S. A. Ashe.





SETH SOTHEL

BY the fundamental constitution of the colony of Carolina it was provided that when one of the Lords Proprietors came in person to their domain, he should be the palatine's deputy, which was virtually governor, as palatine was the title borne by the principal member of the company of Lords Proprietors. One of the Proprietors, the Earl of Clarendon, sold his share in the colony to a person whose surname we find variously recorded as Sothel, Sothell and Southwell. The orthography first given seems to be the one used by the new Proprietor himself, who came to Carolina and claimed (with indifferent success) the right to govern.

Seth Sothel, for such was the full name of the above dignitary, spent about fifteen years of his life in enterprises connected with the colony of Carolina. In an extract from the Shaftesbury Papers, published in the Calendar of State Papers, we find a letter, dated 1675, from the Earl of Shaftesbury, also one of the Lords Proprietors, recommending Sothel to the governor and Council at Ashley River, in Carolina, as a person of large estate in England who had undertaken to make a settlement in the colony. The same letter contained an order that a manorial estate of 12,000 acres should be granted to Sothel on condition that within five years he should build thereon a town of at least thirty houses and settle six score people therein. "Pray treat this gentleman as my friend" is Shaftesbury's concluding remark.

The above order from Lord Shaftesbury was prior to the time when Sothel himself became one of the Proprietors. Though in after years Sothel became governor by right of his being one of the Proprietors, his first appointment was as governor of the "County Albemarle," and was some time before 1679. The office was then conferred on him by the Proprietors. He did not take possession of the office on this first occasion, however, owing to the fact that the ship on which he sailed was captured by pirates and carried to Algiers. While he was a prisoner the Proprietors appointed John Harvey governor of the county of Albemarle, which afterward was known as North Carolina. Escaping, or having been ransomed from the pirates, Sothel a year or two later purchased Lord Clarendon's rights, and thereby himself became one of the "True and Absolute Lords Proprietors." He then set out for America with a commission, issued in September, 1681, which showed his right to assume the government of the colony, being signed by the Earl of Craven, the Earl of Shaftesbury and Sir Peter Colleton.

Sothel came from South Carolina to North Carolina about 1683. After remaining a few years, he was charged with all manner of crimes and misdemeanors. Some of the specifications against him in a complaint sent to the Lords Proprietors were as follows: That he seized and imprisoned two persons coming from Barbadoes on the pretense that they were pirates, though they produced dockets from the governor of Barbadoes showing that they were lawful traders; that one of these sea captains, Richard Humphrey, died in captivity of grief and ill usage, leaving a will, with Thomas Pollock as executor; that Sothel would not let Pollock qualify as executor, but seized Humphrey's goods and converted them to his own use; that he imprisoned Pollock when that gentleman started to England with complaints against the governor; that he accepted bribes for quashing indictments for felony and treason; that he unlawfully imprisoned Robert Cannon; that he unlawfully withheld from John Stewart one negro and seven pewter dishes, which were his property; that he imprisoned George Durant and appropriated his property; that he seized the

plantations of John Tomlin, John Harris and one Mowberry, and committed other acts of like character. The colonists could stand a good deal; but when one of their governors endeavored to get possession of nearly everything in the colony, from plantations down to negroes and pewter dishes, they rebelled. They finally proceeded to seize the governor, and were about to send him a prisoner to England, when he begged them not to do so, but to submit the whole matter to the Colonial Assembly, whose decision he promised to abide by. The Assembly adjudged that he should leave the colony for one year and renounce the governorship forever. The Lords Proprietors also sent an order about the same time, December 2, 1689, removing him from office and appointing Phillip Ludwell in his stead.

Being banished from North Carolina for one year, Sothel went to South Carolina, and there also claimed the office of governor as his proprietary right. From a recent history of that State by McCrady, entitled "South Carolina under the Proprietary Government, 1670-1719," we are inclined to think that Sothel there enjoyed a good reputation. At least, McCrady says: "Sothel was a man of remarkable, if not good, character and of great ability. He had been sent in 1680 to regulate the distracted affairs in the colony at Albemarle, and on his voyage out had been captured by Algerine pirates, three years thus elapsing before his arrival in America. . . . Whatever may have been Sothel's private character, however avaricious and disreputable, however tyrannical and oppressive his conduct for personal gain, yet the wisdom and liberality of the laws he enacted, the legislative activity displayed in restoring stability to the colony, and his judicious conduct in promoting the just wishes of the people, throw a doubt, observes Rivers, as to the malignant character that has been ascribed to him as a public officer."

When Governor Sothel had left North Carolina, and Ludwell had been appointed his successor, there appeared another claimant to the office of governor of Albemarle in the person of Colonel John Gibbs, who was a cousin of the Duke of Albemarle, one of the Lords Proprietors. Whether Gibbs claimed under a deputa-

tion from the Duke, or whether the deposed Sothel claimed the right to make a deputy and appointed him governor, is not known. At any rate, Gibbs meant to give notice that he was not a man to be trifled with, for one of his first acts was to deliver himself of a proclamation and general challenge beginning as follows: "Colonel John Gibbs doth Publish and declare, that Phillip Ludwel is a Rascal, impostor and Usurper, all of which shall be justified in England. And if any of the boldest Heroes living in this or the next County will undertake to Justifie the said Ludwel's Illegal irregular proceeding, let him call upon me with his sword, and I will single out and goe with him into any part of the King's Dominions and there fight him in this cause as long as my eye-lids shall wagg." Gibbs had about eighty armed men under his command, and with this force seized two magistrates who were holding a precinct court without his commission therefor, and held them as prisoners. A force of colonists was soon raised against him, and he then fled to Virginia.

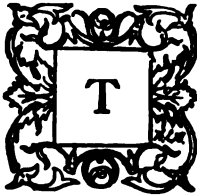
After Sothel's term of banishment from North Carolina had expired, he returned to the colony, and died in the year 1694. In the *North Carolina Historical and Genealogical Register* for January, 1900, it is said of the governor's wife: "Madam Ann Sothel married for her fourth husband Colonel John Lear of Nansemond County, Virginia. She at first appears as Ann Willis of Ipswich, Massachusetts."

Marshall De Lancey Haywood.





JAMES HAYWOOD SOUTHGATE



THE gentleman whose name stands at the head of this sketch represents in a striking manner the rise of a class of young and influential business men in the South since the Civil War who are to-day more an indication of what Southern society is coming to be than any other class of people in it. These men are broad in their business ideals, free from local or social prejudices, active in seizing opportunities of personal and community progress, and can be relied on to give a turn to the development of the future which is both fortunate and essential. They are going to be, as it seems, the representative men of the new South as truly as the old planters were the exponents of the old South. Among these men are many of those whose biographies are recorded in these volumes; but of all of them none is more truly a representative man than James Haywood Southgate.

This gentleman unites in his family the best characteristics of the people of the States of North Carolina and Virginia. His father, James Southgate, of King and Queen County, Virginia, left the famous university at Charlottesville in 1832. From that time till 1862 he conducted a prosperous military academy at Norfolk, Virginia. In 1858 he married Miss Delia Wynne of Louisburg, North Carolina. She was a woman of extraordinary mind, and she had received excellent instruction from Professor

A. H. Ray of Louisburg, North Carolina, whose reputation for skill in pedagogy has survived till this day. In 1862 Norfolk was occupied by the Northern army, and the school over which Mr. Southgate presided was broken up. He volunteered for the Confederate service, joining the Norfolk Artillery Blues. His wife took her children with her and "refugeed" to Louisburg, North Carolina, where she opened a school for girls. She was so successful that in 1864 her husband left the army and came to assist her. Together they had charge of the Louisburg Female College, and had remarkable success, considering the disturbed state of society, until the end of the war so prostrated all people of means that it was necessary to discontinue the enterprise.

Soon after the war ended he was given charge of Olin College, in Iredell County, North Carolina. Here he had a successful career till the winter of 1871-72, when he removed to Hillsboro, North Carolina, to engage in a general commission business. The neighboring town of Durham was then in its infancy. He had a presentment of what it was going to be, and in 1876 he removed thither and opened a general fire and life insurance business. By upright business methods, and by careful attention to business, he won the confidence of the people of the town, and from that day till this he has been one of the leading business factors in the place.

Three daughters and one son were born to Mr. Southgate and his wife, Delia Wynne. The latter is the subject of this sketch. He was born in Norfolk, July 12, 1859. His earliest recollections are those of the war. In the first days of the bitterness of Reconstruction he received his first impressions of the problems of life. It is a tribute to his largeness of heart that they were not those of hatred and despair.

When his father removed to Hillsboro the boy was twelve years old. He had already acquired the first steps in an education from his mother's instruction. Now he was sent to the academy of Major D. H. Hamilton in Hillsboro. Here he came under a man who was born a teacher. To this day Mr. Southgate speaks in the terms of the highest praise of his methods. Later he attended the military academy of Horner & Graves in the same place, and

from there, in 1876, entered the State University at Chapel Hill. Here he had a short stay. In 1878 he conceived that it was his duty to help his father in the latter's office. He had determined to be a physician, and he was led to believe that the graduation was not entirely necessary for that profession. The opinion was erroneous, but he was never to have a chance to prove it in his own career, for the charm of business life took hold of him so deeply that he could not shake it off. He is a man who loves whatever he is engaged in, and who puts into it a pride of achievement which makes it a part of his life. He desired to make the insurance business of J. Southgate & Son the most successful enterprise of the kind in the State. It is probable that his desire has been gained. Certainly, there are not many centers of the underwriting interests in the Union in which the firm name is not well and favorably known.

But Mr. Southgate's greatest success is not as a business man, although in that sphere he is pre-eminent. He is one of the very greatest citizens in the State, not because he has been most successful in the pursuit of office, but because he has always and with the very highest type of success sought to serve the public in the capacity of a mere citizen. There are few issues of public concern in which he has not set a standard to every voter in the independence of judgment which is the very essence of a workable democracy. He has never been a servant of passion. He has never held the public service in the light of an opportunity for selfish promotion. He has been the best type of the business man who is also a conscientious servant of the public in its political capacity. Had he chosen to enter politics in a selfish way—one hears a hundred people say it—he might long since have reached the goal of any politician's ambition in North Carolina. A man of striking appearance, tall, forceful, magnetic and commanding, he towers over any other speaker in the ordinary political assembly. His deep, far-reaching and musical voice, his breadth of mind, his balanced judgment, and his effective imagery give him the mastery over his hearers. In whatever cause and in whatever section of the country he has spoken, he made a profound impression. That

a man whose best efforts are given to the conduct of a large business should still have it in him to take so prominent a part in public affairs is not less than remarkable.

In 1885, when he was twenty-six years old, he left the Democratic Party, where he had been up to that time a loyal voter. His reasons were not selfish, for he had never appeared before that party in the light of a candidate for any favor whatever. There were certain ideas in which he believed, and he sought an organization in which he might find them expressed. He concluded that these were most likely to be advanced by the Prohibition Party, and with that body of citizens he threw in his fortunes. He was not, and has never been, a fanatic. But he made a very practical thing of his theories, and did not hesitate to risk his exercise of citizenship upon them. From 1885 till to-day he has been a constant defender of his party. He has believed that as a great moral organization it was bound to triumph. Through defeat, through ridicule, through hopelessness, and while a hundred friends have urged him to come into one or the other of the larger parties, he has not wavered an iota.

Among Prohibitionists Mr. Southgate has been a favorite speaker. On several occasions he has been a delegate to the National Prohibition conventions. In 1896 the party divided into two camps, one of which contended for prohibition as a sole issue and the other for a general economic programme, only one feature of which was the restriction of the sale of liquor. Mr. Southgate took sides with the latter group, which called itself the National Party. In the convention of this party he was placed on the ticket as a candidate for the Vice-Presidency, his running mate being Charles E. Bentley of Nebraska. In conducting his campaign he made many speeches in other parts of the Union, particularly in the Northwest. Everywhere he was received with marked favor, even by those who did not support his ticket.

Mr. Southgate is a member of the Methodist Episcopal Church, South. For twenty-five years he has held official position in it. Besides being a steward in his local congregation, he has been for many years on the educational and Sunday-school committees of

the North Carolina Conference. In 1902 he was a lay delegate from this body to the General Conference, which met in Dallas, Texas. He has also been prominently connected with the Young Men's Christian Association of the State and the North Carolina State Sunday-school Association. In 1877 he was secretary of the first Young Men's Christian Association convention held in North Carolina. It is characteristic of him that while loyal and active in his service toward his own church, he should be also deeply interested in these other interdenominational bodies. No man could be less sectarian than he.

Mr. Southgate is deeply interested in education. From the time that it was decided to remove Trinity College to Durham he has been its earnest supporter. This was true notwithstanding he had attended another institution himself. To Dr. Crowell, whose presidency of the college extended from 1887 till 1894, he gave a warm support. In the many dark hours of the college's history during the first years at Durham his advice was freely given and gladly received. When Dr. Kilgo became president, he found in Mr. Southgate the same disinterested and valuable ally. In 1897 he was elected president of the Board of Trustees of the college to succeed Colonel J. W. Alspaugh of Winston-Salem, whose incumbency of the presidency had lasted nearly a quarter of a century. In this important position he has rendered valuable service. He has presided over board meetings in some crises out of which very much criticism has grown; but in none of them has his rulings been called into question by either side. In the matter which grew out of the resignation of Professor Bassett his stand for academic freedom was recognized by all as fair, able and very influential. One of the strongest qualities of his nature is the faculty of keeping his head. He is possessed of immense calm and well-poised judgment. Although a man of positive convictions, he is able to see both sides of a question.

December 5, 1882, Mr. Southgate was married to Miss Kate Shepard Fuller, a daughter of Mr. B. Fuller of Durham. She was a woman of marked force of character. Four children were born to them, two of whom died in infancy. In February, 1893, Mrs.

Southgate was called away from her earthly home. Around the two children who were left to him the husband built all his affections and hopes. But again death struck at these hopes. In 1898 one of these sole remaining comforts, a beautiful daughter on the verge of maidenhood, was taken. These blows made a deep impression on his life. But his massive shoulders have never staggered under their weight. He is firm, strong and self-centered as ever, and he lives, although widowed and alone, without the gloom of despair or the bitterness of isolation.

Mr. Southgate has great powers of friendship. He is a loyal member of several fraternal orders, among them the Masons and the Knights of Pythias. He is warm-hearted, companionable and hospitable. He is fond of music. In fact, he comes of a musical family; and his sister, Mrs. Lessie Southgate Simmons, is one of the most talented musicians ever born in the State. He has taken much interest in the development of music in Durham, especially in the establishment of the Durham Conservatory of Music.

Thus he is pre-eminent as a man of business, as a citizen, as a political speaker, as a leader of religious life, as a promoter of the cause of education, as a patron of the most important branch of the fine arts patronized in the State, and as a man of influence among his fellow-men. How many other North Carolinians can show such well-rounded development in so many of the best qualities of a faithful servant of men?

John Spencer Bassett.

THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX AND
TILDEN FOUNDATIONS

he removed to Louisburg, where he fortunately formed a partnership with Hon. Joseph J. Davis, one of the most distinguished and most esteemed citizens of Franklin County. Mr. Davis had the entire confidence and respect not only of his own community, but of the entire Congressional district which he represented in Congress, and the association was not only agreeable in itself, but was of advantage in at once establishing Mr. Spruill on a high plane and securing him the favor of the best people in the counties where they practiced; and this partnership continued until Judge Davis was appointed to the Supreme Court bench.

Having a large and extensive practice from the beginning, Mr. Spruill soon attained an important position at the bar, and became a man of influence in politics. He took an active interest in all political matters, and entered zealously and with great vigor into all campaigns. As his reputation extended, his services became in constant demand by the State Executive Committee to make canvasses in other parts of the State: In the year 1888 he was a delegate to the national convention at St. Louis which nominated Grover Cleveland for President, and he made a brilliant campaign for his election. In 1893 he represented Franklin County in the legislature, and he was an active and influential member. He rendered conspicuous service on the Judiciary Committee and on the floor of the House, but in particular did he distinguish himself as chairman of the Committee on Railroads and Railroad Commissioners, and he took a leading part in the controversy with the Wilmington and Weldon Railroad on the subject of requiring that company to pay appropriate and just taxes.

Governor Carr, in recognition of his fine service, appointed him a director of the State Prison, but that particular public work was not agreeable to Mr. Spruill, and he resigned the appointment. He was at once appointed a director of the North Carolina Railroad. It was during his term as a director that the proposition was made by the Southern Railroad Company to lease the North Carolina Railroad Company for a period of ninety-nine years. Governor Carr was much in favor of the proposition, but Mr. Spruill objected to it; in the first place, the old lease had not

expired, and public notice had not been given to lease the road at that time, so there were no competitive bids, and the period for which the lease was proposed was so long that it amounted almost to a sale of the property. For these and other reasons Mr. Spruill was constrained to differ from the policy of Governor Carr, who had appointed him, and he spoke and voted against the measure. During Mr. Cleveland's second term, in 1897, Mr. Spruill was appointed assistant United States district attorney for the eastern district of North Carolina, a position which he filled with admirable acumen and with great ability.

In 1904 the Democrats of Franklin County, in order to extricate themselves from an impending political complication, prevailed on Mr. Spruill again to accept the nomination to represent them in the House, and on yielding to their request he made a speech that is memorable in the annals of the county. Later, however, when the Democratic State Convention met at Greensboro, he was nominated by acclamation as one of the two candidates for Presidential elector for the State at large, and he felt that the party had a right to his services in that extended field. This necessarily led to his resignation of his candidacy for the House, and he at once entered upon an extensive campaign of the State, which was remarkable for its brilliancy. Indeed, as a popular speaker Mr. Spruill ranks among the foremost of the public men in North Carolina. His addresses in the campaign to secure the adoption of the constitutional amendment and in the Presidential campaign of 1904 have been pronounced by competent judges to be among the very best types of forensic eloquence ever heard in the State. He speaks with clearness and cogency, with eloquence and pathos, and he sways his audience with rare power, combining the art of an orator with the skill of the practiced campaigner. What has been declared by competent judges to be the best piece of campaign oratory ever delivered by Mr. Spruill was a speech delivered by him at Louisburg, in 1902, in reply to an address made there by Senator Pritchard. There had been organized at Louisburg and launched with much noise and publicity a "Young Men's Republican Business League." From it

the Republicans in the State expected great results, and Senator Pritchard had been brought from Washington to deliver to its members an address, which it was hoped would make the league a factor in the politics of the State to be reckoned with. Conditions in the county were favorable for such a result. The electorate of the county was greatly unsettled. Hundreds of men who had been Democrats were wavering in their political beliefs, and were in a frame of mind so receptive to Republican teachings that the ascendancy of the Democracy was trembling in the balance. An immense crowd was present to hear Senator Pritchard, and his speech was adroit and eloquent. Mr. Spruill heard the speech, saw the great peril in which his party was placed, and knew that Senator Pritchard's speech unanswered meant possibly its overthrow. When the senator had concluded, in response to a call from a few stalwart Democrats, he took the stand. With a logic that was pitiless, and an eloquence that was almost inspired, he swept down one after another Senator Pritchard's positions, until the great crowd, that had just a short half hour before been ready to ally itself with the league, shouted itself hoarse with Democratic huzzas. In some respects it was the most striking instance of the power of eloquent oratory ever seen in the State. From the moment he closed the "Young Men's Republican Business League" was a thing of the past. The club never met again.

Nevertheless, it is in his chosen profession as a lawyer that he has won his most enduring fame. Careful and painstaking in the preparation of his cases, tireless in energy and thoroughly in sympathy with his client's cause, he unites to legal learning the address of the polished advocate, and has attained an enviable position in the first class of *nisi prius* lawyers in North Carolina.

A graduate of the University, for twelve years he has been a trustee of that institution, and has been greatly interested in promoting the advancement of his alma mater. He has contributed with others to secure that growth and progress which has been so remarkable in the career of the University within the past decade, and which now more than ever renders that institution

an honor to the State and a credit to the people of North Carolina.

In 1886 Mr. Spruill was happily married to Miss Alice Capehart Winston, a lovely and beautiful daughter of Hon. Patrick Henry Winston and Martha Elizabeth Byrd, and a sister of four of the State's most distinguished sons. To this union three children have been born. Mr. Spruill has felt that it is to his wife's intelligence and sympathetic assistance that he owes in large measure the success he has attained in his profession and in his life.

Mr. Spruill is a member of the Episcopal Church, and for fifteen years he has been a vestryman in St. Paul's parish, Louisburg.

At the University he was a member of the A. T. O. fraternity and of the Philanthropic Society.

W. H. Macon.



7
PUBLIC
P
L

Lane and his brother Joseph and Theophilus Hunter, finally selected Wake Court House, or Bloomsbury, as it was sometimes called, buying 1000 acres of land from Colonel Joel Lane for that purpose, on which the city of Raleigh was afterward built. Isaac Hunter, being a man of considerable wealth, and with large landed interests, exerted a wide influence in his day, and doubtless contributed to the selection of the site for the capital. His daughter Louisa married Mr. James Howze, who represented Franklin County in either the House or the Senate almost continuously from 1818 to 1827, being greatly esteemed as a man of high character and fine intelligence, and influential in public affairs. Among his associates as a representative from Franklin were Benjamin F. Hawkins, Charles A. Hill and Guilford Lewis, and he was considered the equal of these distinguished citizens in all respects. His daughter Charlotte married Major J. J. Thomas of Alabama, who removed to North Carolina in 1825 and settled in Franklin County, where the subject of this sketch was born.

In childhood Captain Thomas was robust, and entered with spirit into the sports of his young companions, and his parents being well-to-do, he was admirably trained, both at home and in the excellent schools of Oxford and Louisburg. He was an apt pupil, fond of his books, and pursued his studies with such zeal and intelligence that at the age of nineteen it was thought that he was competent to enter mercantile life. That was the vocation to which he was led by his own inclinations, and in 1850 he entered the store of Messrs. R. & R. H. Kingsbury, in Oxford, as a clerk, and under their direction he became very proficient both as a salesman and as a bookkeeper. Two years later he was employed by Captain Overby, and was entrusted with the charge of his large tobacco and banking business at Clarksville, Virginia, and was also required to keep the books at his store at White House. After four years of faithful service with Captain Overby, desiring to remove to Richmond and profit by a wider experience in a larger field, he secured a position with Willingham & Ellett, wholesale dealers in dry goods and notions. After two years spent at Richmond becoming conversant with ramifications of business, he

obtained a position with W. H. & R. S. Tucker, the leading dry goods merchants not only of Raleigh, but in the State of North Carolina. At first employed as bookkeeper, he soon became their confidential clerk, and as long as he remained with them he enjoyed their confidence and personal regard; but after several years had elapsed he found himself in a position to embark in business on his own account, and opened a store at Franklinton, which he successfully conducted until hostilities broke out between the sections. Shortly after the war began he closed his business and enlisted in Company F of the Forty-seventh Regiment, raised in Franklin County, of which he was appointed first lieutenant. Upon the organization of the regiment with Sion H. Rogers as colonel, he was appointed regimental quartermaster, and continued in that position until that office was abolished by the War Department. He accompanied his regiment when it joined the army of Northern Virginia, and was in the engagement at Drury's Bluff. In December of that year the regiment was rushed to Kinston, North Carolina, to resist the threatened attack of General Foster, and it served that winter in Eastern Carolina and Virginia; but early in 1863 it was brigaded with four of the North Carolina regiments under General J. Johnston Pettigrew, and in May it became a part of Heth's Division of A. P. Hill's Corps. It was about that time that Captain Thomas, on the recommendation of General Lee, was appointed by the secretary of war assistant division quartermaster under Major Vick, of Heth's Division, and in that capacity he accompanied Heth's Division through all the vicissitudes of the war, often acting himself as the division quartermaster because of the continued absence of his chief. He accompanied the army in its march into Pennsylvania, and on the 30th of June, 1863, according to orders, having collected all the available transportation with a view of obtaining supplies for the army, he proceeded to enter Gettysburg, having a small detail of infantry and cavalry as a guard against any sudden attack of Federal troops. But before reaching the city he was advised that the enemy were near at hand, and he parked his train in the vicinity for the night. The engagement the next day took place in his

immediate front, and as soon as it was over, the enemy having been driven off, Captain Thomas was ordered to use all the transportation he had to collect and carry off from the battlefield every gun and all other material that would in any way be of service to the army. He gleaned the field, and secured a large number of guns and quantities of valuable supplies. The next day, under similar circumstances, the same valuable service was rendered, notwithstanding the proximity of the enemy and being subjected to their fire. On the third day Captain Thomas was close up with his division on the left of Longstreet's Corps, and during the retreat of General Lee from Gettysburg he was, with many other Confederate soldiers, captured at Greencastle, Pennsylvania, by a body of Federal cavalry, who broke the line of the Confederate march to that place. Before the day was past General Imboden with his cavalry and light artillery routed the Federal cavalry and dispersed them and rescued the prisoners and the wagon trains they had taken.

He continued to perform his duties with Heth's Division with efficiency and promptness, but some months later, before the war closed, he was detailed by the War Department on special duty in Mecklenburg County, Virginia, and in the adjoining counties of North Carolina, and before this service was completed General Lee had been compelled to evacuate Petersburg and had surrendered at Appomattox. In the performance of every duty Captain Thomas had been prompt, intelligent and efficient. He had acted with zeal, discretion and energy during the four years of war under trying and difficult circumstances, and upon the cessation of hostilities he returned home, and animated by the same indomitable spirit that had actuated him in his army life, he began once more his vocation in the mercantile business. Not content with the limited opportunities which the circumstances of his home people presented, he, in conjunction with Dr. William J. Hawkins, B. P. Williamson and Colin M. Hawkins, began a commission business in Baltimore, which they successfully operated until 1872, when he returned to Raleigh along with Captain Williamson. And later, Mr. W. G. Upchurch being associated with them, they

formed the firm of Williamson, Upchurch & Thomas, to conduct a wholesale grocery and commission business, and entered upon a career of great prosperity.

Four years afterward, however, Captain Thomas withdrew from the firm and established a new business house, doing a large cotton business, which he has since maintained in connection with the People's Storage and Mercantile Company, of which he is president; and he was the first president of the Raleigh Cotton and Grocery Exchange, and he contributed largely by his energy and skill in attracting to Raleigh a cotton business from an extended area, which at one time approximated 75,000 bales a year. He was one of the promoters of the Oak City Mill, established in 1875, and was its president; he assisted in the organization of the Raleigh Savings Bank, and was its first president, and he laid the basis for its business on foundations so sure and deep, that under the continued wise administration of his successor it has become one of the most useful and beneficial financial institutions of the State. He was one of the organizers and at one time was the president of the Raleigh Cotton Mills, and was president of the Caraleigh Phosphate and Fertilizer Works, whose career of prosperity has been phenomenal. He also aided in organizing the Caraleigh Cotton Mills, and was president for many years of that company. Indeed, no other citizen of Raleigh has been more progressive and more useful to the community in organizing and aiding financially the various enterprises that have contributed to promote her industries and develop her trade than Captain Thomas. As president of the Commercial and Farmers' Bank, whose success has been very great, he has exhibited a fine capacity as a financier and bank officer, and as one of those in influential control over the operations of the various mills in which he is interested he has manifested skill and enterprise and a conservative judgment which reflects the highest credit on him.

Captain Thomas has always taken an active interest in the success of the Democratic Party, which he deems is the only party that should be intrusted with the administration of public affairs at the South. But while he has ever been liberal in making dona-

tions for campaign purposes, being entirely engaged in his financial affairs, he has never sought political station, being content to work as a private in the ranks, and being engrossed with the management of his large business interests. His religious affiliations are with the Baptist denomination, and he has ever been esteemed as one of the leading Baptists in the city of Raleigh.

In 1860 Captain Thomas married Victoria, a daughter of Xenophon Halbert of South Carolina. She dying in 1872, three years later, he married Miss Evelyn Briggs, a daughter of Mr. Thomas H. Briggs, Sr., one of the most highly esteemed citizens of Raleigh, and after her death he was married the third time, in September, 1880, to Miss Lula O. Felt of Warrenton, and he has four children now living.

Strictly a business man, whose success in the various lines of business activity well fit him to give a word of advice to the younger generation, Captain Thomas says: "I have, since arriving at years of early manhood, made it an invariable rule to always be prompt at my business, keeping every engagement and faithfully executing every command of my employers. My associates were always chosen among those whose moral character was above reproach." And this he thinks is a safeguard to young men from falling into evil ways and being led into a course of improper action. He also recommends "politeness, especially to one's seniors, to live within one's means, be that what it may, and, if necessary even by making sacrifices, to lay up something for a rainy day."

S. A. Ashe.

THE NEW YORK
PUBLIC LIBRARY
ASTOR LENOX AND
TILDEN FOUNDATIONS
L

of this spare time was devoted to literary pursuits, in which he delighted throughout his life. From 1841 to 1843 he edited the *Oxford Mercury*. In 1847 he published his first considerable work, a novel entitled "Alamance; or, the Great and Final Experiment." Two years later a second novel appeared, "Roanoke; or, Where is Utopia?"

But the author found graver work awaiting him than the writing of romances. A close observer of the educational and industrial conditions in North Carolina, he wrote feelingly and eloquently of what he saw. Among other things, he noticed with great solicitude that the people of North Carolina, unaware of the immense resources of their own State, were deserting her by the thousands, seeking in other regions fields for imagined advantages. He wrote that the State had "long been regarded by its own citizens as a mere nursery to grow up in;" that it had become a great camping-ground, the inhabitants considering themselves as merely tenanted here for a while; that thousands sought homes elsewhere, whose sacrifices in moving would have paid for twenty years their share of taxation, sufficient to give to North Carolina all the fancied advantages of those regions whither they went to be taxed with disease and suffering; that the melancholy sign, "For sale," seemed plowed in deep, black characters over the whole State; and that even the State flag which waved over the capitol, indicating the sessions of the General Assembly, was jestingly called by our neighbors of Virginia and of South Carolina an auctioneer's sign. The "ruinous effects," he wrote, "are eloquently recorded in deserted farms, in wide wastes of guttered sedgefields, in neglected resources, in the absence of improvements, and in the hardships, sacrifices and sorrows of constant immigration."

In addition to this deplorable condition, Dr. Wiley observed that North Carolina was regarded by Northern publishers as the "best mart in the world for the sale of trashy and uncurrent productions, and the very refuse of literary quackery was sent out and circulated among our people. They were thus drugged with foreign narcotics and heavily taxed for the

benefit of fabrics that could not be sold where they were published.”

These two evils caused him no little anxiety about the future of the State. Careful study of the situation revealed to him but one remedy—universal education. The children must be taught to know and appreciate the opportunities offered at home, and must be given the training necessary for intelligent use of those opportunities. Year by year the conviction grew steadily upon him that he could render no greater service to North Carolina than by revealing the State to herself through a complete system of public schools. Abandoning personal ambition, he threw himself into this new work with all the energy of his nature.

The first step taken toward the establishment of a public school system in North Carolina was Judge Murphey's famous report of 1816, in which the organization of such a system was recommended to the General Assembly. It ended, however, with the recommendation, and nothing further was done until 1825. In this year, certain funds in the State Treasury and the revenues derived from certain sources were set aside as a fund for the establishment of a system of public schools. In 1836 the surplus revenue of the Federal Government was distributed to the several States; and of her share North Carolina devoted \$1,133,757.39 to the Literary Fund. Soon after this an act was passed by the legislature providing for a system of public education. The plan was crude and imperfect and was not put into general operation. By November 1, 1840, the Literary Board's resources amounted to \$2,241,480.05. With this considerable fund on hand, it became necessary to have a better organization of the school system. In 1840, therefore, an act was passed, entitled "An Act for the establishment and better regulation of the common schools." The Literary Board was made the executive of the system. But this was an inadequate arrangement, the board from the very nature of its composition not being able to attend properly to the various duties incumbent upon the executive of such a system. A single executive head was needed. Recommendations for the appointment of a general superintendent of common schools were

continuously urged upon the legislature, during a period of twelve years, but to no purpose. The system thus floundered about without a pilot, and in this situation was on the point of going to wreck when Calvin H. Wiley took hold of the helm.

In order to introduce the necessary reforms, he desired a seat in the General Assembly. As he realized that there was no chance of his obtaining this in Granville County, he returned to his native Guilford, and was at once elected a member of the General Assembly of 1850-51. During this session he introduced a bill providing for the appointment of a superintendent of the common schools. He supported his bill with a speech of great power and eloquence, but failed to secure its passage. Disappointed, but not disheartened, he again stood for election and was returned. Through his influence a similar bill was introduced by Mr. J. B. Cherry of Bertie and passed both Houses. This act provided for the election of a superintendent by the General Assembly. He was to hold office for a term of two years, or until his successor should be duly appointed and qualified. His duties, as outlined by the act, consisted of the usual ones, such as collecting information, making proper reports, seeing to the enforcement of the school laws, etc. But in the words of Dr. Wiley: "His duties cannot be expressed by law, and if he does not possess the spirit of his station, a conformity of the mere letter of legal requirements . . . will not be a discharge of his duties to the public. He is the chief executive head of the system; . . . he ought to be the chief thinking mind; the organ of intercommunication among its parts; the recording memory also of the system. He has also to be the heart as well as the head of the system, infusing into it life, animation and hope, encouraging the desponding and stimulating the energies of the enthusiastic."

This law once passed, it became necessary to find a man of sufficient ability to undertake the arduous and responsible duties of the office. All voices called on one man. Though he was a Whig, and the legislature was Democratic, yet State patriotism prevailed over party allegiance, and without solicitation on his part, Wiley was elected in December, 1852. On January 1, 1853, in the

thirty-fourth year of his age, he entered upon the duties of his office. Surely no man ever undertook an arduous task with a greater sense of the vast personal responsibility that lay upon him. He realized that upon his conduct of the duties of his office depended the life of the common schools. He had everything to do and everybody to instruct. The compass of experience by which he might steer his course, seeking the channels of safety and avoiding the shoals and whirlpools of danger, was lacking to him. But he did not flinch from his duty. His steady hand grasped the helm, guided by a penetrating insight into the murky conditions surrounding him and supported by a heart strong through faith in his cause, in his people and in divine guidance.

The attempt to establish a system of public schools in North Carolina, owing to the lack of proper organization and the absence of an efficient executive head, had proved worse than a failure. Teachers were scarce and inefficient, schoolhouses were worthless, uncomfortable, unhealthy, and inadequate for their purposes, money was squandered, results were meagre, and the confidence of the people in the schools absolutely destroyed.

As a consequence of these conditions, Dr. Wiley found himself faced at the outset by six difficulties: First, the diversified character of the people, resulting in a lack of sympathetic harmony fatal to a systematic conduct of the schools; second, the novelty of the common-school idea, from which grew misconceptions of the purposes of the schools and an impatience at their necessarily slow work; third, the illiteracy of the population, which gave birth to a mistrust of the ability of the people to conduct successfully a system of schools; fourth, the erroneous idea that the common schools were mere charity schools for the poor, from which grew a distaste among many people to accept their benefits; fifth, the lack of a feeling of responsibility for the schools among the citizens of the State, causing difficulty in getting efficient men to fill the official positions in the counties; finally, the scarcity of teachers, which, of course, struck at the very roots of the system. To meet and overcome these obstacles, there were, as Dr. Wiley wrote, "a thousand little springs invisible to the casual

observer to be delicately touched, a thousand nameless duties to be performed, a thousand crosses and difficulties unknown to the world at large."

He went about his work with determination, energy and patience, having at the beginning six objects in view. They were: To gain information for his own guidance; to let teachers, officers and pupils know and feel that the State as a State was really interested in their welfare; to diffuse information on public school systems in general and the North Carolina system in particular; to enforce the laws; to initiate himself all needful reforms; and finally, to make the schools supply themselves with teachers.

The work was slow, discouraging and tedious, and the superintendent was often compelled to draw heavily on his fund of patience. The results were far beyond his calculations. Old friends were discovered, new ones made and enlisted in the work; enemies were met and routed; tardy officers were spurred on to more diligent and efficient work, incompetent ones found out and removed; many misconceptions were corrected; colleges, high schools and academies were awakened to a sense of their vital interest in the common schools; unity was gradually introduced into the system; and school men in all parts of the State and in all phases of educational work were taught to see that the interests of all were bound together in one great and ever-widening circle.

One of the most apparent evils which it was necessary for the superintendent to reform was the multiplicity and frequent changes of text-books. Dr. Wiley was often called upon to interfere in this matter, and he felt justified in using all his authority to suppress the evil. Where suitable text-books could not be found, he set to work with characteristic energy to prepare them himself, always bearing in mind his original desire to awaken North Carolinians to a sense of the great resources of their State. For instance, he notified publishers that he would not approve of any geography unless he was allowed to correct the text so far as it related to North Carolina. Several publishers consented to this, and he selected "Mitchell's Intermediate Geog-

raphy." To this book he added an appendix giving a condensed but accurate account of the State. He directed the preparation of a new map, showing all the railroads, plank roads, and intended routes of travel; and in other ways emphasized the resources and opportunities of the State. He proudly asserts that such a concession was never before made in any work to any State.

Nothing in Dr. Wiley's long career of usefulness to the State better illustrates his unselfish devotion to her interests than his action in regard to a series of North Carolina readers prepared by himself for use in the schools. The purpose of the work was the same as that of his supplement of Mitchell's geography. He had begun the readers before his elevation to the superintendency of the common schools, but upon assuming the duties of his office he felt that he ought not to have any investment in school-books. He therefore made arrangements for Dr. F. M. Hubbard, Professor of English Literature in the State University, to complete the work, and sold the stereotype plates of his readers and all the copies on hand to A. S. Barnes & Company of New York at original cost. By this arrangement Dr. Wiley received nothing for his valuable copyright, no profit on his books and no pay for his work and expense, besides losing three years' interest and the original investment. There was nothing ostentatious about this; it was done quietly, and solely that the books might be more useful. The readers were received with every mark of approval.

By far the most important problem the superintendent was called upon to solve was the problem of supplying teachers. Dr. Wiley went about this matter with his usual energy and wisdom. He aimed ultimately at normal schools, but in the beginning these were out of the question. For the present the common schools must supply themselves. He considered that their ability to do that would be the best test by which to judge of their character and success. He devised a plan, simple but effective, by which teachers not only could be supplied, but also aroused to study and continuous self-improvement. In order to test the results of his plan, he sent to each chairman in the State a circular asking what had been his observation of it. Fifty-five an-

swers were received. One said, "bad;" one said, "no change;" four were "in doubt, but hopeful;" forty-nine thought the plan "good." In this way pupils leaving the common schools could enter the ranks of the teachers and gradually work to the top. As a result of his plan, Dr. Wiley asserted with some pride that those who now became teachers, sought places in the public schools in preference to conducting private schools, though formerly the reverse had been true.

But it was not enough simply to supply the demand for teachers; it was equally essential that a constant pressure be brought to bear on them for improvement. Besides the annual examinations, Dr. Wiley conceived and put into execution three other schemes: the establishment of a Teachers' Library Association in each school district; the publication of the *North Carolina School Journal*; and the organization of the Educational Association of North Carolina.

Through the Teachers' Library Association, the teachers of the common schools were supplied with professional literature, for Dr. Wiley constantly urged upon them the necessity of studying their profession. He himself set the example. His words are as true now as they were then, when he said: "Scatter judiciously over the State good copies of any good work on education and it will create a revolution."

The superintendent constantly felt the need of an organ of communication between the various educational forces of the State. To serve this purpose, he turned over in his mind plans for the establishment of an educational journal. The first number appeared in 1856, under the name *North Carolina Common School Journal*. It was to be issued quarterly from Greensboro. After an existence of two years, during which time it was kept alive only by Dr. Wiley's unlimited zeal and energy, it was adopted as the official organ of the North Carolina Teachers' Association; its name was changed to the *North Carolina Journal of Education*, and Dr. Wiley was elected editor-in-chief, assisted by fourteen associate-editors. The list of subscribers was small and the financial difficulties great, yet the

journal took and kept a high place among its contemporaries. Though the war soon forced half of its exchanges to suspend publication and though the difficulty in getting paper increased daily, the journal held its own until 1864. In March of that year, the printing establishment of Campbell & Albright, from which the journal was issued, was destroyed, and along with it the journal fell. Its influence for good in North Carolina was beyond calculation.

The same year in which the journal was established witnessed another of Dr. Wiley's triumphs. Numerous efforts had previously been made in the State to organize a teachers' association, but all had failed ignominiously. On one occasion the meeting had been widely advertised, and on the appointed day one teacher appeared. However, Dr. Wiley was a courageous man and was not to be daunted by the failures of others. In October, 1856, at Salisbury, he succeeded, after strenuous efforts in organizing the educational forces of the State into a Teachers' Association. Six other meetings followed, all of them well attended, not only by men prominent in educational work, but also by many prominent in the other professions and in business life. The association was on the high road to greater usefulness when it fell to pieces amid the thunders of war. Dr. Wiley considered the *Journal of Education* and the Teachers' Association his two chief aids in promoting the common school system.

He labored long and faithfully; he met and overcame almost insuperable difficulties; and he placed his State foremost among the States of the South in the education of her children. During the decade from 1850 to 1860, covering the period of Dr. Wiley's work, although the population of the State increased less than 14 per cent., the number of children in the common schools increased more than 36 per cent. In 1850 the percentage of illiteracy in the State among the voting population was 29.2; by 1860 this had been reduced to 23.1. In 1850 Dr. Wiley had been alarmed at the neglect of our wealth-producing resources. At the close of the decade he had ample grounds for declaring that a great revolution was silently going on in North Carolina.

Dr. Wiley's fears for the future of the State had been aroused by the constant stream of emigration from her borders. By 1860 the outward current had been greatly checked and an inflowing current started. The spirit of education was revealing itself in the industrial progress of the State; in the generally awakened confidence in her resources; and in a growing attachment for home. The blight which had fallen on North Carolina was about to vanish under the touch of his strong hand.

Whatever of success has been attained was admitted by all to be due to the genius of Calvin H. Wiley. So universal was the confidence felt in his ability and integrity, that he numbered his supporters in all ranks and conditions of life, in all religious denominations and in all political parties, and received hearty support from all. A Whig when elected by a Democratic legislature, he retained his party affiliations and voted according to his political convictions, and yet was continuously re-elected by a legislature generally Democratic at a time when party feeling ran high. On one occasion the Democrats in the legislature moved his election at the beginning of the session, in order to forestall the rise of party passion and the possibility of a Democratic opponent.

This confidence reflected no little credit on the Democratic Party, and the results showed that it was not misplaced. Dr. Wiley was met at the beginning of his work by six obstacles. He had found the people separated by their diversified characters and aspirations; he gave them a common interest and united them in a common effort to promote a common cause; he found them ignorant of the common school idea, he taught them by unanswerable example and filled their minds and hearts with knowledge of and pride in their educational system; he found them diffident of their ability to manage; he put them to the test and compelled their confidence in themselves and in their schools; he found their minds filled with errors, he turned on them the light of knowledge and they vanished like mist before the sun; he found them indifferent, he roused their enthusiastic support; he found a vineyard without laborers, he created an army of devoted workers.

But with the outbreak of war came the supreme test. North Carolina seceded from the Union May 20, 1861. It became apparent from the first that an attack would be made upon the school fund for the purpose of converting it into revenue for the support of the war. Dr. Wiley was filled with great anxiety and began at once to prepare for the attack. He first sought the support of the county officials by issuing to them a very able circular, giving the arguments in favor of preserving the school fund intact for school purposes. His next step was to win the governor and his council. Previous to the meeting of the first war legislature, he appeared before them to present his case. His statement was able and his appeal eloquent. "No people," he exclaimed, "could or would be free who were unable or unwilling to educate their children;" and the fact that the State was waging a war for independence was an additional reason why the schools should be kept open. He cried out with indignation against those who were so short-sighted as to "think that a war for political, social, commercial and intellectual independence could be waged with better results by arresting or destroying all those springs of life on which national wealth and greatness are founded." The governor and the members of his council were completely won over, and entered into a solemn, though informal, covenant to support the superintendent in resisting any attack on the school fund. This agreement, be it said to Governor Ellis's credit, was faithfully kept, and the precedent thus set was followed by his successors.

Dr. Wiley was ably assisted in this work by the North Carolina Teachers' Association. In November, 1861, the association presented a memorial to the constitutional convention, then in session, praying that "by an amendment to the constitution the proceeds of the common school fund be sacredly and permanently secured to their original purposes."

It was well that the superintendent and the friends of education prepared their forces for the attack. It came soon after the assembling of the legislature. Both sides received able support. In the Senate, Governor John M. Morehead led the defense. Out-

side the work of Dr. Wiley was arduous, skilful and effective. Nothing shows better than this fight the strength of the system built up by Dr. Wiley. Its powerful aid was invoked and the bill providing for the use of the school fund for war purposes was defeated. When the legislature adjourned, the battle was won, for succeeding legislatures followed the example thus set and the school fund was unmolested.

And so the schools were kept open, but, of course, they felt the strain of war. From this time onward their existence was a struggle heroically maintained by the superintendent. The remarkable feature is not that the system became impaired, but that it did not fail altogether. That it did not do so was due to the energy and zeal of Calvin H. Wiley; he refused to yield to discouragements, but labored incessantly for the betterment of the system. While the country lay bleeding in the iron grip of war we find him planning a system of graded schools and actually getting a bill for their establishment through the House of Commons. It was also reported favorably by the Senate Committee, but had to be tabled, because of the pressure of more urgent business. The task before Dr. Wiley was more than human ability could cope with successfully. Difficulties increased daily. The attention of the people was attracted from the ordinary affairs of life by the novelty and the suffering of war. Many thought it best to suspend the schools altogether. It was hard to get text-books. It was hard to get capable officials. It was hard to get teachers. In spite of all the difficulties, the report of 1863 shows 50,000 children in the common schools. Dr. Wiley truly says that "the future historian of this stirring age will not fail to find evidences of the moral energy that this fact implies."

But the end was drawing near. The distressing condition of the people and the depreciation of the currency made it almost impossible to continue the schools. Dr. Wiley never for an instant relaxed his energy, but the task was beyond the power of man, and with the close of the war the schools went down for lack of funds. The superintendent was in his office in the capitol when the surrender of General Joseph E. Johnston was announced to

him, April 26, 1865. Even then he did not cease from his labors. He retained his office until October 19th, when by an ordinance of the constitutional convention all offices held on April 26, 1865, were declared vacant. And in 1866 the office of superintendent was abolished for the want of funds to meet the expenses.

With his going out of office Dr. Wiley closed his official connection with the common school system, though he never lost active interest in educational matters. He had given the best years of his life to the cause, and surely no man ever laid down his work with a better right to the gratitude of contemporaries and of posterity.

At the beginning of this sketch mention was made of his mother's wish that he become a minister of the Gospel. At that time he did not feel called to the ministry, but later the matter presented itself in a different light. He studied theology privately, and in 1855 was licensed to preach, though he was not fully ordained until 1866. He never had a regular charge. In 1881 he received the degree of doctor of divinity from his Alma Mater. In later life he was engaged in many useful works, nearly all of which were inspired by patriotic or religious motives. In June of 1869 Dr. Wiley was appointed the general agent of the American Bible Society for Eastern and Middle Tennessee, and moved to Jonesboro in that State. In 1874 he was transferred to a similar position in North Carolina and removed to Winston. Two years later, South Carolina was added to his field. The same energy and ability which characterized his work as superintendent of common schools was shown by him in his new work.

In 1862, February 25th, he was married to Miss Mittie Towles of Raleigh. She and five of her children still survive him.

After the close of the war a new system of public schools was built up in North Carolina upon the old foundation laid by Dr. Wiley. In 1876 he was asked to become the candidate for the superintendency of public instruction, but declined on the ground that his sacred calling prevented.

After his removal to Winston, Dr. Wiley interested himself in the establishment of the public school system of that city. His

voice and pen were given to the cause, and when established he was called to the chairmanship of the first Board of Commissioners. This place he held till his death, January 11, 1887.

The fame of his services is limited neither by State boundaries nor by the lapse of years. His reputation was national, and his school system was recognized as one of the best in the Union. At the National Convention of Educators held in Cincinnati in August, 1858, Dr. Wiley was on the program as "one of the distinguished educators who would address the convention" along with Horace Mann. He received an invitation to visit the legislature of Georgia to aid in preparing a system of schools similar to those he had established in North Carolina. He could not go, and he was then urged to prepare an essay on the subject, to be read to the legislature. The Boston (Massachusetts) *Post* of May 1, 1856, says that Dr. Wiley's report for 1855 is "written with ability and shows that Mr. Wiley has largeness of views and a zeal and energy in the duties of his office which eminently fit him to fill the responsible position which he now occupies." Since his death, one of the school buildings in the city of Raleigh has been given his name. In the city of Winston the school children have erected a handsome monument to his memory.

No man better deserves such recognition from his people. I do not know how a man's character and ability are to be measured if it be not by the work he does in the world. I do not know how his work is to be measured if it be not by the results it has upon civilization. If these results be for the permanent upbuilding of the State, the work deserves to be called a great work, and the man who does it a great man. Measured by these standards, Calvin H. Wiley must be ranked among the greatest statesmen of his day.

R. D. W. Connor.

RECEIVED
POST OFFICE
DEPARTMENT
WASHINGTON
D. C.

of Patrick Henry Winston. Four generations of sturdy land-owners, slaveholders and soil tillers, men of large frame, of quaint humor, of rugged honesty, of strong physical and mental powers and of commanding influence in local affairs, culminated in the person of Patrick Henry Winston. His father, George, was famous for wit and humor, for hatred of shams and pretensions, for curious vocabulary of homespun words and illustrations, with which he bombarded the entire community. His mother, Anne Fuller, "the belle of the county," was daughter of Bartholomew Fuller and Sarah Cooke, whose mother, Amy Belle Conyers, born on the island of Bermuda, sent seven brothers, all gallant soldiers, to the Revolutionary War. It was long a tradition in Franklin County that no handsomer couple ever stood before the altar than George Winston and Anne Fuller. He was massive, rugged, racy of the soil, masculine and handsome; she a model of gentleness, grace, culture and womanly beauty.

Patrick Henry Winston, the second son and third child of this union, combined to a remarkable degree and in wonderfully good balance the strong and striking qualities of both parents. From his mother came that gentle, tender and refined nature which would not suffer him needlessly to set foot upon a worm; from his father strength, majesty, authority; from both sides honesty and efficiency. He was raised on his father's farm, spending his boyhood and youth in manual labor with scant opportunities of education, except what he received from his mother, whose early death left him without a teacher and sent him to the field, a plough-boy among his father's slaves. But something stirred within him that called for higher work, so at the age of eighteen he left home and entered Wake Forest College, where in one year he accomplished the work of three, passing up rapidly from one class into another. At the age of nineteen he took charge of the Oak Grove Academy near Windsor, in Bertie County, teaching there three years, and continuing his own education by private study. He was now resolved to secure the best education obtainable and to enter the profession of law. For this purpose, and attracted by the presence of Webster and Clay, whom he greatly admired, he

went to Washington City and entered the Columbian University, where after three years of study he was graduated with the highest honors as valedictorian of his class. Returning to North Carolina, he entered the University Law School at Chapel Hill, completing the course there, and afterward studying under Judge Robert B. Gilliam at Oxford.

While at the University he was surpassed by no man in diligence. The late Samuel F. Phillips, at that time a student in the University, told the writer that the night of the grand commencement ball, going to his room between midnight and day, he passed the open door of Winston's room and found him intently reading "Coke on Littleton." He had not left his room during the festivities of the evening, but had studied all night long as eagerly as the other boys had danced and frolicked. He was as fond of pleasures as any man, but he was their master and not their servant.

Obtaining license to practice law, he settled in Windsor, Bertie County, in response to urgent solicitation of friends and former patrons; and for one year taught school and practiced law. His practice grew very rapidly. He took rank almost at once at the head of his profession, maintaining it for forty years in a bar that has rarely been surpassed in the annals of the State, including such lawyers as Cherry, Outlaw, Biggs, Smith, Gilliam, Carter and Barnes. For nearly half a century he was retained in every important case in the courts of Northeast North Carolina. As a land lawyer he had no superior. He knew all the foundations of law. As an advocate he was singularly clear, forcible and strong. The jury was bound to understand him, as he turned to view every side of a difficult question, exposing fallacies, stripping off veneering, getting at the heart of it, illustrating every phase of it with homely illustrations drawn from every-day life, enriching and flavoring the driest legal points with quaint, irresistible humor or broad, side-splitting fun. People came from far and wide to hear him speak, and his original sayings passed through several counties as current coin of thought. Negroes and illiterate laborers no less than scholars treasured his sayings,

loved his humor and even imitated his droll and charming mannerisms.

In 1850, and again in 1854, the people of Bertie County sent him as their representative to the House of Commons. His popularity was unbounded, and political honors were awaiting him, not for the asking, but for acceptance. His career in the legislature made him a State reputation and hosts of friends. No man was fonder of social life and the joys of public life; but he deliberately put aside a public career for the sake of wife and children, whom he loved with a great heart full of tenderness and inspired by a noble sense of duty. He resolved to live at home, and to supervise the education of his children. Nothing but great public emergencies ever afterward made him swerve, even temporarily, from this purpose.

In 1861 the legislature elected him a member of the State Board of Claims, one of the most important executive-judicial bodies in the State. Its duties were to pass upon financial claims against the State arising out of the Civil War. The other members of the Board were Bartholomew F. Moore and Samuel F. Phillips. Winston characterized the board as follows: "To Mr. Moore a dollar looks as big as a cart wheel; to Phillips as small as a sixpence; to Winston just the right size. He settles the claims." Mr. Winston displayed such marked ability and excellent judgment as a member of this board that he was appointed by Governor Vance, on the expiration of the existence of the Board of Claims, to be financial agent between the State of North Carolina and the Confederate Government. In this office he settled millions of dollars of claims arising from the furnishing of arms, clothing and supplies to the Confederate army by the State of North Carolina, and protected the financial interests of the State with conspicuous fidelity, ability and integrity.

Through all the dark and perplexing period of the Civil War he was the invaluable friend and counsellor of Governor Vance. They were both Whigs, both lovers of the Union, both full of fun and humor, both children of the soil and men of the people, both scholars well versed in Shakespeare and the Bible, both men

of rare personal charm and marked individualism. Few days passed from 1862 to 1865 without their meeting in counsel. Mr. Winston was never in favor of the Civil War, but when it came, he bore a conspicuous and honorable part in the State and Confederate councils. He moved his family from Eastern North Carolina, owing to the disorders and dangers prevailing there during the war, and took up his residence in his native county of Franklin. Although residing there only temporarily, this county selected him as its sole representative in the constitutional convention of 1865, a body of men chosen for wisdom, patriotism and sagacity to deal with the most momentous problems that ever confronted the State. In this convention Mr. Winston was conspicuous as a leader and a wise, conservative statesman. His record shows with what sagacity, fortitude and dignity he met the disasters of defeat. While many who had urged secession were now cowering and submissive, he, with others who had resisted secession, were determined not to yield their own self-respect nor the rights and liberties of the people. They formed a new party, called "Conservative," and inspired by the spirit of its name. Mr. Winston could have been nominated for governor, but recognizing the unwisdom of his own nomination because of active service in behalf of the Confederacy, he brought forward the name of Jonathan Worth, a Quaker of Randolph County, who was nominated and triumphantly elected. Mr. Winston was president of the Council of State during Governor Worth's administration. In 1868 he was offered the nomination for Congress in the First Congressional District, having moved back to Bertie County, but declined the offer, and for the remainder of his life devoted himself exclusively to the practice of law, the repairing of fortunes shattered by war and the education of his children.

His work as a lawyer kept him busy. He was employed in every case of importance in his section of the State. In the celebrated Johnston will case, in which were engaged sixteen of the State's foremost lawyers, Mr. Winston was selected to make the leading argument in behalf of the will on appeal before the Supreme Court. His speech exhibits every resource of a strong

and fertile mind, well trained in law and skilled in lucid exposition. The will was sustained.

As a man of business he was unusually gifted, managing with rare skill and success large fishing and farming properties, giving personal attention to all details. He knew the personal characteristics of each laborer in his employment, and even of each animal. His weekly visits to his plantations were a source of delight to the humblest laborer. All enjoyed his love of fun, his sunny humor, his shrewd wisdom, as well as his generosity and sympathy.

On January 1, 1846, Mr. Winston was married to Martha Elizabeth Byrd, a lady of rare beauty, sweet disposition and most lovable character. In her veins mingled the blood of Scotch, German, English and French ancestors—Byrds, Watsons, Capeharts, Masons and Razeurs, all families of wealth, culture and refinement. She was a model woman, loving with her whole heart her husband and children, devoting her life to the making of a happy home, receiving and giving hospitality, visiting the poor and afflicted, nursing the sick and aged, avoiding scandal and gossip, loyal to friends and kindred, and busy every hour of the day, indoors or out, with the duties of a housewife. "There was a rectitude and a consistency of character in her that I could depend on," wrote Mrs. Cornelia Phillips Spencer at her death, "and a self-respect and dignity of carriage and a personal daintiness that I was never tired of observing. How she loved her children, and how justly proud in her quiet, undemonstrative way she was of you all! How you will miss her—the thought of her—that upright, firm, neat little figure, always carefully well dressed, always employed, always polite, attentive, well bred, the model of a lady of the generation of sixty years ago." She lived with her husband, without ever a quarrel or a harsh word on either side, for forty-two years. No wonder that Patrick Henry Winston, virile, masculine, great in body and mind, tender and loving in heart, put aside a public career for the joys of domestic life with a wife so richly and charmingly endowed. Their home, "Windsor Castle," proudly overlooking the town of Windsor, rich in good literature and good living, abounding in genuine and in-

formal hospitality, sweet in the confidence and communion of father, mother and children, was a model North Carolina home, a noble illustration of the great truth that the home is the basis of civilization, the foundation of all virtues, the strength of every State.

In the midst of professional work that few lawyers could perform and of business cares and labors that would have crushed an ordinary man, Mr. Winston found time for daily culture, instruction and entertainment in study, reading and composition. His mind was never idle. His large and select library was increased each year by additions of the most valuable publications in literature and the sciences. His old playmate, now his bookseller in New York, Edward J. Hale, Sr., himself a scholar and student, would ship him regularly twice a year select consignments of literature. His own orders for books and magazines kept pace with the progress of thought and discovery throughout the world. His mind took in everything. Its chief quality was thoroughness, getting to the bottom of things. He studied astronomy for thirty years. His knowledge of political economy was vast and profound. He knew Shakespeare as intimately, as lovingly, as completely as he knew Badger, Webster and Clay. For twenty years during the summer months he would read a play of Shakespeare's each day after dinner or supper. The long winter evenings were usually spent in study or composition. He was a charming letter writer; style crisp, clear, virile and strongly individual; subject-matter ranging from roe-herrings to lunar eclipses, from town gossip to Emerson, from backyard events to the downfall of empires; spelling, punctuation, rhetoric as correct as Addison; chirography equal to copper-plate engraving. No person ever received a letter from him without being specially attracted by some striking peculiarity in it. His correspondence with friends, relatives, children and men of business would have consumed all the time of an average man. To one of his children he wrote three times a week, and often daily, for twenty-five years. To his wife, when away from home, he wrote always daily and sometimes twice or thrice in the same mail. His letters were often

only two words long, occasionally six or eight pages. He could compress into one page a volume of information or instruction. The late Thomas D. Hogg used to say that a letter received by him in Strasbourg from Mr. Winston in Windsor told more about the cathedral and the clock than he could find out in Strasbourg. His mind was Shakespearian. The joy of creation pervaded all his thoughts and utterances, and underneath his fancies and pleasantries lay the indestructible foundation of hard common sense.

Mr. Winston took great delight in the education of his children. He had been a teacher early in life, and possessed rare talents for imparting instruction and developing the faculties of young minds. As each son returned home from school or college he was put through the most rigid examination in spelling or reading, Latin or geometry, astronomy or political economy. A misspelled word hurt him, a grammatical error almost put him to bed. Every son was required to study Blackstone at home, and made to learn it accurately, word for word. One slovenly definition and shut would go the book! Silently and quietly he would pass you by for full forty-eight hours. He was never so happy as when he would come home from his law office and find his sons reading Shakespeare or Scott. Great was his disgust when he learned that one of his sons at college in New York was studying political economy, the science of Adam Smith, of Leon Say, of Francis Wayland and of John Stuart Mill, in a 200-page text-book whose author's name on the title-page read "E. Peshine Smith," and whose title was "Political Economy for American Readers." "Peshine Smith!" he exclaimed. "Political-Economy-for-American-Readers? I suppose your college has also a multiplication-table-for-American-calculators."

Under the widespreading trees of Windsor Castle with its 10-acre lawn and its 200 acres of forest and field, father and sons would gather, each recurring vacation, twice a year, as they returned from Horner's, or Chapel Hill, or Cornell, or the Naval Academy, and hold such communion of wit and humor, fun and frolic, thought and fancy as only loving hearts and sympathetic

souls can share. The father was always the central figure, inspiring, instructing, admonishing and guiding, ever with gentle touch and rather by example than precept. His four sons, one as lawyer, orator, wit and humorist; one as scholar, educator and college president; one as lawyer, legislator, judge and lieutenant-governor; one as legislator, lawyer, judge and man of affairs, brought credit and honor to the good home and the goodly heritage of such a father and mother. An only daughter, educated at St. Mary's School, blessed with health, intellect and all womanly graces, brought joy and gladness to both father and mother as the loving wife of a splendid North Carolina lawyer, orator and statesman. To have given North Carolina such a contribution of citizenship would well repay the labors and cares of his long and busy life. But he himself was superior to any of his children in the great sum total of human faculties and accomplishments, in wit and humor, in learning and scholarship, in wisdom and judgment, in breadth and depth of intellect. He was a massive, powerful, self-made man; vigorous, virile and strong in mind, body and soul; as tender as a woman, loving flowers, children, girls, clouds and forests; as brave as a lion, loving every hero in life and literature; as human as ordinary folks, feeling to the full and realizing in his life the beautiful sentiment of Terence, "*Homo sum, nil humani a me alienum puto.*"

George T. Winston.



THE NEW YORK
PUBLIC LIBRARY
ASTOR, LENOX AND
TILDEN FOUNDATIONS
L

the common herd. He was a perfect aristocrat, and laughed at aristocracy. A hundred times a day, in joke, witticism, metaphor or anecdote, he squandered enough mental and nervous power to last an ordinary man six months. But the drudgery of persistent and systematic labor he never endured, even for one hour. He left no visible memorial of his greatness; but he was one of the most brilliant, eloquent, versatile and captivating of all the sons of the old North State. He was famous throughout the Union, and probably was better known, and more widely known, than any North Carolinian of his generation.

It is difficult to describe such a man or to give a satisfactory account of his career. His personality always outshone and dazzled his achievement. Of thousands who knew him, none can forget him; and yet few recall his achievements. But his achievements, if performed by other men of lesser genius, would have brought them fame. The public offices that he held, the honors that he achieved, the services that he rendered, added nothing to his fame, but seemed rather to detract from his greatness, so immense was his personality.

Mr. Winston's greatest public service was in 1874. The people of the State were rallying from the shock of Civil War and the humiliation of Reconstruction. Restless under the dominion of carpet-bagger and scalawag, they were ready to resume the reins of self-government, of which they had been deprived by Federal bayonets. They had carried the State elections in August. When the General Assembly met in the fall, the foremost question in the public mind was, "Shall we call a convention to adopt a new constitution or shall we submit longer to the Canby constitution, a bastard usurpation, begotten of bayonets and negroes?" The political leaders were opposed to calling a convention. They feared the Federal Government, remembering how Jonathan Worth, the people's governor, had been driven by Federal power from the State Capitol and supplanted by William W. Holden. "Let well enough alone," they said. "It is too great a risk to call a convention of the people. There is no telling what the convention will do, nor what the Federal Government will do."

Popular sentiment favored a convention, but lacked a leader. It needed an orator to give it voice, a thinker to formulate its reasons, a dreamer to tell and interpret its visions, a patriot to deny and defy all authority but that of the people. It needed all these, and forth they came, orator, thinker, dreamer, patriot, united in the person of Patrick Winston, at that time twenty-eight years of age, and reading clerk of the State Senate. A petition was circulated among the members asking him to address the legislature and the public in Tucker Hall. Those who knew him well knew what was coming. Some feared the consequences and begged him not to speak; others cheered, urged, demanded that he speak and redeem his State; still others, who knew him only as wit and humorist, considered it a splendid joke, and went "to see the fun." The occasion and the man had met. He was in the prime of all his powers. He had studied under Swain at the University the fundamental principles of liberty and government; had fought with the barons at Runnymede; had defied tyranny with Hampden and Pym; had lived with the great orators of the people in all ages and countries; had felt the horrors of Civil War and the degradation of Reconstruction. He spoke for two hours. When he finished, not a man in the hall was free from the spell of his eloquence. The convention was called, the constitution was changed, and from that day till now the Old North State has been governed by her own sons.

Mr. Winston was educated at the Horner School, Oxford, North Carolina, and at the University of North Carolina, where he was graduated June, 1867, with the highest honors in scholarship as valedictorian of his class. His graduating oration commanded wide attention throughout the State; the occasion was memorable. President Andrew Johnson, Secretary of State William H. Seward, Postmaster-General Randall, with the leading officials and citizens of North Carolina, were seated on the platform with the graduating class. Winston's father, who was detained in Raleigh by business before the Supreme Court, had sent him a gold watch by Secretary Seward. At the end of his brilliant speech, Secretary Seward arose, congratulated him on his eloquence and grace-

fully presented the watch, at the same time most graciously adding to it a handsome gold chain, which he himself had worn for thirty years.

At the age of sixteen young Winston entered the Confederate army as aide-de-camp to Governor Vance, and at the age of seventeen, in March, 1865, he was on his way to join the Fourth North Carolina Cavalry when the news came of Lee's surrender.

He was licensed to practice law in 1868, and moved to Baltimore, Maryland, where he practiced two years. In 1870 he married Miss Virginia B. Miller of Pittsburg, Pennsylvania, and moved to that city. In 1873 he returned to North Carolina, and in 1884 moved to the Pacific coast, locating first in Lewiston, Idaho, and afterward in Spokane, Washington.

He was a trustee of the University of North Carolina under election by the General Assembly and a director of the Albemarle and Chesapeake Canal under appointment by Governor Vance. He was a delegate to two National Democratic and two National Republican conventions; was a Presidential elector; was register of the land office in Lewiston, Idaho, by appointment of President Arthur; district attorney of the Territory of Washington by appointment of President Harrison, and the first attorney-general of the State of Washington by popular election.

He was the owner and editor of three newspapers—the *Albemarle Times*, published in Windsor, North Carolina; the *Spokane Review* and *Winston's Weekly*, both published in Spokane, Washington. His writings sparkled with wit, humor and brilliant thought, set forth in original style.

Mr. Winston was a splendid specimen of physical manhood, strong, handsome and commanding. He was a first-class animal, enjoying all the pleasures of life; his head was large and Napoleonic, brow high and broad, nose large and aquiline, eyes bright, clear and sunny. Every feature was perfect, all nicely and harmoniously blending into a face that was noble and handsome. The portrait accompanying this sketch expresses but faintly the gracious dignity of his presence. His most striking qualities were humor and reverence. His reverence was profound, including in

its sweep not only things divine, but all humanity and all nature. The following verses, written in his twentieth year, contain some fine touches of poetic feeling and breathe a deep spirit of reverence :

“Oh, God, thou speakest to me
Through great Nature’s minstrelsy,
That hymns thy glory and thy works proclaim;
The clouds that float and fly
In the azure-tinted sky,
Put the scoffer to confusion and to shame.

“The bow that bends on high,
And the winds that breathe and sigh,
Tell the story of thy wisdom and thy love,
While the waves that toss and roar
On the purple pink-shell shore,
Are but echoes from the throne that is above.

“The mountain grand and tall,
From whose heights the shadows fall,
Are but sentinels to guard the human race;
While the rivers and the streams
And the moon that brightly beams,
Borrow splendor from thy sweet and holy face.

“The flowers that fragrance lend
While their colors softly blend,
Breathe a sweetness that alone Your works possess,
And the rain drops and the dew
Are the dear gifts sent by You,
To the world they wet and cool and bless.

“But the graves of grassy green,
On which fall the silvery sheen
From the stars that glow so brightly up on high,
Are the links that firmly bind
My heart and soul and mind
To the God who rules the earth from out the sky.”

Thirty-seven years later, just before his death, the following editorial by him in *Winston’s Weekly* expressed almost the same

ideas; a beautiful prose poem, showing the depth and the wide sweep of his love, sympathy and reverence:

"There is something for all to love, both in nature and in life. The mountains in the gloom of their lofty glory, the ocean in the ample majesty of its solitude, the clouds—eternal palaces of shade and shadow—the ordered music of the marching orbs, the blossomed flowers, the freshness of morning, the green of grassy slopes and forest glades, the songs of birds, the gathering twilight, the fields of waving grain, the running rivers, the sweet strains of melody and of music, the stillness of night, the setting sun as it doubles the lengthening shadows—these are some of the things that nature has provided us that we can love. And the things of life? Our homes that ought to be palaces of peace and rest, our books the only monuments that are proof against death. And the living things? Little children, ourselves in miniature, recalling all that is sweetest in our past. There is plenty to love."

Few men surpassed him in repartee. He was quick, brilliant and overpowering. His reply to the Populist at Spokane went over the continent. He was addressing a mixed convention of Democrats, Silver Republicans and Populists, and pouring the oil of eloquence over the troubled waters of political discord. Everything seemed smooth and harmonious, when suddenly a wild, bushy-haired and long-whiskered Populist rushed forward to the platform, shook his fist at the speaker and shouted, "I am tired of your glittering generalities; I wish you to discuss living questions." "Well, my friend," replied Winston, lowering his bald head and smooth-shaven face to a few feet from the haystack of hair in front of him, "what do you wish me to discuss?" "Explain to this audience," shouted the Populist, "the unequal distribution of wealth." "I will do so with pleasure," said Winston in his blandest tones, "but first, my friend, will you explain to this audience the *unequal distribution of hair?*"

In 1894 the Populist convention of Washington refused to endorse Colonel Winston for Congress on the ground that he was a lawyer. On the journey home he was talking politics with a chance acquaintance, who during the conversation desired to know the Populist sentiment on some public question. "Colonel," said he, "what do the Populists think—?" "Think!" broke in the

colonel. "Good Lord, man, what has a Populist got to think with?"

On another occasion he was speaking at a banquet in Tacoma, Washington. A delegation of Eastern capitalists were being feted in expectation of heavy investments in Tacoma waterfronts. Winston had spoken several minutes in solemn style, when some zealous Tacoman, longing for pyrotechnics, pulled his coat-tail and suggested in a stage whisper, "Colonel, tell them about the whales in the harbor," referring to a species of small fish that spouted water and were called whales in derision. "Yes, gentlemen," said Winston, without a moment's hesitation, "there is no place on earth like Tacoma, for we have whales in the harbor, sharks on the avenue and suckers everywhere!"

The colonel gave a Spokane crowd the following explanation of how he earned his title. "Down in North Carolina," said he, "a shrewd old gentleman used to keep a hotel in Raleigh called the Yarborough House, and it was his custom to confer titles on all his guests. One day he would address each newcomer as 'judge,' the next day as 'major,' the next as 'colonel,' and so on. The day I arrived he was dealing in 'colonels.' If I had come a day later, I would have been a 'general.'"

Political harness rested lightly upon him. He belonged to all parties and ridiculed all. On returning from his first North Carolina State Republican Convention, a crowd of Democratic friends greeted him at the station and asked the news. "Boys," said he, "you know I left the Democratic Party because I could not stand old Blank and old Blank and some of the other leaders. Well, you just ought to see what a h—ll of a crowd I've got in with now."

"Colonel," said a friend, "how do you like Jefferson Davis's book, 'The Rise and Fall of the Confederate States'?" "Fine," said he, "all but the last page. There are two volumes, 2000 pages; I read 1999 pages with the greatest pleasure. On every page the Yankees were running like turkeys and we right after them; but when I turned over the last page, to my perfect amazement, without the least explanation, our-army-had-surrendered!"

A friend from North Carolina, desiring to locate in Spokane, wrote to Colonel Winston asking him for information about that city, and especially about its leading industries. His reply was characteristic:

"DEAR SIR: There are only two industries in Spokane—grand and petit larceny. Unless you are very proficient in one or both of these, don't come!"

During his absence from home his law office in Spokane was burned. The crowd gathered on his return to tell the news and hear his comments. "Colonel," shouted one of the boys, "your law office is burned!" "Well," he replied, "I hope the mortgage on it is burned too." He was never taken by surprise; never at a loss for words, ideas, arguments, jokes, witticisms or anecdotes. His arrival was an event in the life of any town; his departure left a dead calm, or a vacuum. He worshiped genius and spent much of his life reading, talking and writing about the world's geniuses. He had little respect for mere authority. "Colonel Winston," said President Arthur, pulling out his watch with some impatience, "I have now given you thirty minutes of my time." "Yes, and by God! sir, I gave you three months of my time last summer as a Garfield and Arthur elector." "Sit down, Colonel Winston, sit down, sir; you shall have all the time you wish."

Even when there was nothing to say, he said it and made an argument of it. Perhaps the shortest legal speech on record was that made by him in prosecuting a negro in North Carolina for stealing a pig. The solicitor was called away, and asked Winston to appear for him. Not a witness nor a fact was available. Rising with great dignity, he said, "Gentlemen of the jury, this is a case of larceny—a nigger charged with stealing a pig. There are three elements in cases of this sort: the bill of indictment, the nigger and the pig. Here is the bill of indictment (waving the paper), yonder's the nigger and (after a solemn pause) where-is-the-pig?" The jury brought in a verdict without leaving the room.

Mr. Winston was deeply loved and highly honored by the people

of Washington. His genius, his boldness, his originality, his love of justice, his intense honesty and unselfishness, no less than his eloquence, his learning, his wit, humor, pathos and love of fun made him one of the most conspicuous, picturesque and popular figures on the Pacific coast. But his great success did not satisfy his heart. He longed for the old times and the old friends of the State of his birth. How touching is this description of an old-time North Carolina Christmas, which appeared in *Winston's Weekly* a few weeks before his death!

CHRISTMAS.

"Next Friday will be Christmas.

"No other day recalls so many sweet memories. As I think of it the past comes back to me like a happy dream. I am once more a child, I see the face of my father, I feel his arms around me. I hear his voice. I see mother, her face is aglow with the light of love.

"The well-filled stocking hangs by the chimney corner. The first light of a soft Southern Christmas morning is creeping through the window blinds. I hear the stealthy footsteps of the house servants as they creep to the door to catch old master's Christmas gift.

"'Christmas gift, master—Christmas gift, master.' I hear them now.

"I see the village church, above whose simple altar were inscribed in letters made of Southern foliage the words:

"'Glory to God in the Highest and on Earth Peace.'

"I behold the faces of the little congregation, radiant with the spirit of Christmas, so many of them bound to me by ties of blood and love. I hear the voices of the choir chanting the Christmas carol, and the peal of the organ reverberating within walls decorated with glossy holly and redolent cedar.

"Once more I take my place at the table and partake of the Christmas cheer. Around that hospitable board are gathered father, mother, brothers and sister. The old black mammy, arrayed in all the glory of Christmas gifts, the ebony butler beaming with pride, the good old housekeeper bustling and nervous lest something be wanting to complete the feast, the eager and expectant faces of the little darkies peeping in at the door, the table loaded with everything good to eat, cooked as only 'old Aunt Charlotte' could cook it, the Christmas tree, ready to be lighted, in the center of the table! I can see it all, and I hear my father's voice saying: 'Bless, O Lord, these mercies to our use and us to thy service.'

"When all is over—the happy greetings, the bountiful feast, the gifts of loving hearts, the day consecrated by the faith of centuries—and night has come once more, I feel upon my lips my mother's good-night kiss."

At his death the bar of Spokane, through a committee of its leading jurists and lawyers, placed on his grave "An Open Book" of immortelles, and on the record of the court inscribed the following estimate of his life, character and talents, formed after reading for twenty years the open book of his life :

"It is our deliberate judgment that for wit and humor, for logic, for eloquence, for learning, for love of justice, for kindness of heart, for sympathy with the unfortunate, for lofty and noble Americanism, he had no superior in this or any other age of our country. His ready and pointed wit, his inimitable expression, his forceful and unanswerable logic, were weapons of great power, which he used only to promote the cause of humanity and the purpose of justice."

George T. Winston.



THE NEW YORK
PUBLIC LIBRARY
ASTOR LENOX AND
TILDEN FOUNDATION
L

Sampson. On account of seasickness and disinclination to naval life he resigned his commission as a cadet midshipman in 1870, and in 1871 entered the Cornell University, Ithaca, New York, where, in 1874, at the age of twenty-two, he was graduated with highest honors as Bachelor of Letters and as a member of the Phi Beta Kappa Society. During his junior year at Cornell he won the gold medal for Latin scholarship, and during his senior year, in recognition of his character and his mathematical attainments, he was selected to fill temporarily the chair of an assistant professor of mathematics, who was on leave of absence from the University. By his labors as tutor in Latin, English and mathematics young Winston supported himself and met all his college bills during his senior year, requiring for that purpose nearly a thousand dollars. Almost immediately on graduation, and at the age of twenty-three, he was elected assistant professor of literature in the faculty chosen to revive the University of North Carolina, his former classmate, Ralph H. Graves, being chosen professor of mathematics. These two were the youngest members of the faculty, and represented in it the modern ideas of education. They were graduated with highest honors from two of the foremost American Universities. To them was largely entrusted the reorganization of the old University upon modern lines—the arrangement of its courses of instruction, schedules of work, methods of teaching and research and system of discipline. The University was reorganized on lines that they laid down, with elective courses of study and high standards of scholarship. They both were recognized at once as thorough scholars and great teachers. In the reorganization, Dr. Charles Phillips was made chairman of the faculty and Winston was elected secretary of the faculty, which position at that time was one of large executive duties and responsibilities. At the end of the first year his skill as a teacher and his devotion to all of the interests of the University were rewarded by his promotion to a full professorship, while the position of chairman of the faculty was eliminated, and Dr. Kemp P. Battle elected president of the University. During the fifteen years of Dr. Battle's presidency Dr. Winston was ever active and strong, by

counsel and otherwise, in support of his management of the University; and when, in 1891, Dr. Battle retired from the presidency to the chair of history and Dr. Winston was elected president, then in turn Dr. Battle gave most loyal support to Winston's brilliant administration, a fact in our educational history as beautiful and significant of the spirit and work of both men as it is rare to see such instances in the educational world. As a teacher he was exacting and accurate, requiring diligence of his pupils, setting high standards of scholarship, spurring up the indolent and rejecting the incompetent. He was not mechanical nor narrow, but broad and inspiring, giving his pupils large views of life and lofty ideals of manhood. His wit and humor and his original and striking illustrations, as well as his scholarship and learning, rendered his lectures and recitations inspiring and attractive. No pupil was with him long without receiving deep and lasting impressions of his character, talents, scholarship and strong common sense. In 1891, at the age of thirty-nine, after sixteen years of work as professor of Latin and German, his varied and brilliant services and his talents for management as well as for teaching were fittingly recognized and rewarded when, by unanimous vote of the Board of Trustees, he was elected president of the University of North Carolina. He was the first professional teacher ever elected to that office. To the duties of the presidency he devoted himself with energy, enthusiasm and conspicuous ability, throwing his whole soul into the work. In five years of his administration the income of the University was more than doubled and the number of students almost trebled; the alumni in North Carolina and other States were organized into active associations for promoting the interests of the University, the public high schools and academies of the State were linked with the University in a "system of affiliated schools," the State was canvassed from one end to the other, speeches for education were made before schools, colleges, political conventions and social clubs, as well as before teachers' institutes and other educational gatherings.

At the beginning of his presidency the University ranked second

among the colleges of the State in point of numbers; at its close the number of students was larger than in any other two colleges. The great fight against State aid to higher education came to a crisis at this time. President Winston met it with boldness and unflinching determination, throwing into the conflict all his talents and resources, and filling with courage and enthusiasm all the friends of the University throughout the State. The real question was whether or not the State should be driven from the field of higher education by the gradual withdrawal of legislative appropriations to the University and other State colleges, whether the State public school system should include only elementary schools or also high schools, colleges and the University. After much discussion, instead of decreasing appropriations, the legislature increased them. Under President Winston's untiring leadership the fight was won, establishing forever the great principle of State aid to higher education, and placing the University at the apex of the State's school system.

Among his other services to the University were the consolidation of the Dialectic and Philanthropic libraries with the University library, the appointment of a professional librarian and the providing of a permanent library endowment fund; the organization of a summer school for teachers, the establishing of a chair of pedagogy in the University and the laying of foundations for a permanent Normal Department; the administration of the University free from political, sectarian, local or social control; the equipment and inauguration of Commons Hall to furnish students with board at cost; the large increase of free scholarships; aiding largely the endowment of the chair of history, and the initiation of movements for the Alumni and Y. M. C. A. buildings.

During the fourth year of his presidency, in 1895, was celebrated the one hundredth anniversary of the opening of the University. On this occasion, which was observed in a most worthy manner, were present the Vice-President of the United States, Hon. Adlai E. Stevenson, and other distinguished citizens, besides the largest number of alumni and students ever seen at one time in Chapel Hill.

President Winston's chief services to the University were the thorough organization of its internal work and life, modernizing its methods of instruction, discipline and government; the placing of it in vital connection with and at the head of the public school system of the State; its popularization by scholarships and cheap living; rallying to its support at a critical time and inspiring with enthusiasm its friends and alumni; and leading the memorable campaign in the great contest for the maintenance of the principle of State aid for higher education and for the more liberal support of the State's entire educational system.

In 1896, after five years of splendid administration, which brought great reputation throughout the Union both to him and to the State, President George T. Winston was called from the University of North Carolina to be president of the University of Texas. Here he repeated his brilliant record as public speaker, scholar, teacher, organizer and administrative officer, bringing the University of Texas to the front rank among American colleges. In three years he added greatly to the income, patronage, popularity and efficiency of that institution, organizing it internally, correlating it externally with the school system of the State, making it popular with the people of the State and the legislature, and marking out for it new and broad lines of growth according to the highest educational ideals. Three years of residence in the semi-tropical climate of Texas threatened seriously President Winston's health and reduced to invalidism three members of his family; so in 1899, being invited by the Board of Trustees of the North Carolina College of Agriculture and Mechanic Arts to return to his native State to become president of that college and devote himself to the building up of a great technical institution, he accepted the invitation and resigned the presidency of the University of Texas.

His career as president of the North Carolina College of Agriculture and Mechanic Arts has proven even more brilliant and successful than before, and has been a great wonder and pleasure to his many pupils and friends. They have wondered how a classical scholar, after twenty years of work as teacher in and

president of literary Universities, could so successfully build up a college along industrial lines. But President Winston's two chief characteristics are openmindedness and absolute devotion to whatever work he undertakes. With these guiding principles, his varied, versatile, brilliant and strong mental faculties enable him to turn easily, successfully and happily from one work to another of entirely different character. During the six years of his presidency in the North Carolina College of Agriculture and Mechanic Arts he has trebled the number of students and doubled the income, the faculty and the equipment of the college. The institution now ranks among the best in the United States in the character of its work, and nothing but lack of buildings and equipment prevents it from having thousands instead of hundreds of students. He has mapped out its lines of growth. The future will see it fully developed along these lines, a potent factor in the State's industrial life.

President George T. Winston has been a strong and wholesome force in the growth of North Carolina since his graduation from the Cornell University in 1874. He has not confined himself to teaching and lecturing in the classroom, nor to executive and administrative work as University and college president; but as public speaker, writer, lecturer and organizer has taken an active and a leading part in the promotion of educational work and the encouragement of popular progress along all lines, social, moral, industrial and religious. He was president of the North Carolina Teachers' Assembly in 1889 and president of the Southern Association of Colleges and Universities in 1895. For over thirty years he has been actively at work through the press and on the platform, in behalf of public schools and popular education. He has made addresses before the National Educational Association, the Southern Educational Association, the National Prison Reform Association, the North Carolina Society in New York, the North Carolina Society in Atlanta, the Twentieth Century Club of New York, the American Academy of Political and Social Science in Philadelphia and other similar organizations, besides speaking in all the larger towns and most of the counties of North Carolina.

He was appointed by President Cleveland member of the commission to examine the coinage of the United States Mint at Philadelphia, and by President Roosevelt member of the Board of Visitors to the United States Naval Academy in 1903, and was selected by the board as commencement orator on that occasion.

President Winston was married, June 5, 1876, to Miss Caroline S. Taylor of Hinsdale, New Hampshire, whose acquaintance he formed at Cornell University. They have four children: Hollis Taylor, lieutenant, United States Navy; Patrick Henry, lieutenant, United States Army; Lewis Taylor, cadet at the North Carolina College of Agriculture and Mechanic Arts; and Isabella Byrd.

President Winston is an Episcopalian in religion, a Democrat in politics, an optimist by nature and conviction. He believes in the rule of the people, the survival of the fittest and the ultimate triumph of good over evil throughout the universe. His favorite studies are astronomy and anthropology; his favorite book is the Bible; his favorite authors are Shakespeare, Scott and Emerson; his favorite exercise is walking; his chief pleasure is contemplation of nature; his highest ideal is duty well performed. His rules for success in life are:

1. Treasure no thoughts nor memories but what are noble and inspiring.
2. Summon all your energies and faculties to the duties of the hour.
3. Look forward to the future with hope and confidence.

William S. Pearson.

THE NEW YORK
PUBLIC LIBRARY

day of hope for the South. There were also a large number of students who have since become famous in law, in politics, in the church and in educational work. With the best of these Robert Winston strove for leadership, finally, at the end of the University career, winning the Willie P. Mangum medal for oratory, the highest honor given by the University. In addition to making a reputation as a debater and as an orator, he had proven himself to be a good student both of text-books and of contemporary events.

At twenty-nine years of age he was elected a judge of the Superior Courts of North Carolina, and served until he resigned five years later to return to the practice of law. He had been in the State Senate, had served as State committeeman and had been active in State politics, all the while giving the closest attention to law—*deccm annorum lucubrationes*. Retiring from the bench in January, 1895, he settled in Durham, where his law firm, Winston & Bryant, has now perhaps the largest general practice in the State. During the past ten years he has come to be one of the most prominent lawyers in North Carolina. In the Norton case he obtained the largest verdict ever rendered in this State in a personal damage suit. In two of the most important and celebrated cases of recent years—*Gattis v. Kilgo* and the trial of Josephus Daniels for contempt of court—he was the leading lawyer, and made a reputation for himself by his minute knowledge of the law as well as his forensic ability. In the last case he said:

“In a country like ours we have to give and take. This is no kid-glove Democracy—our people love free play and they love brave, courageous men. They know that the great Fourth Estate has its part to play in the economy of events. Human liberty never culminated until there came the free press. The revolution of France would have broken no shackles from human limbs, torn no prisoners from dungeon cells, but for the printing press. Your Honor does not agree with Mr. Daniels politically—nor do I agree with him in all that he writes, but this I may say, Josephus Daniels never dodges and may always be found on the side of right. We appeal to your Honor, not only as a true and loyal son of the United States of America, but also as a son of North Carolina native and to the manor born—we appeal to your Honor by the recollection of

that kindness of feeling existing among all our people of whatever party, we appeal to your Honor that this writ may be discharged, so that for all time to come it may be known that we have not only a free press, but a free judiciary—thereby restoring peace to our distracted State.”

Despite this appeal, the rule is made absolute; the editor stands committed to jail until he pays a fine of \$1000. He says that he will rot in jail before he will pay a penny, and applies for the writ of Habeas Corpus. This is granted, and Mr. Daniels is set free. The next day the *News and Observer* pays a great tribute to its leading attorney. After calling to mind the release of Josiah Turner by Judge Brooks and Ransom's great speech on that occasion, it says:

“But the hour of deliverance is at hand. Again a Federal judge, Jeter C. Pritchard of the Circuit Court, grants the writ of Habeas Corpus; again the hearing is at Raleigh, again the bar of the city, the leading citizens of the State, and the heart of the whole State fill the court-room and surging crowds overflow the building—another peerless orator arises, the brilliant and incisive Robert W. Winston, with learning, with satire, with ridicule, with inexhaustible common sense and irresistible argument, and the judge sweeps the case out of the court and returns in triumph to the people the representative of freedom of speech and of the sovereignty of the State.”

Judge Winston has found time in the midst of an active professional life to do much reading. It is no unfamiliar sight for the citizens of Durham to see him going from his office with some biography or history or a volume of essays. He has a library of something like two thousand volumes—an unusually well-selected lot of books, including, besides the standard works of English literature, the files of many of the older magazines. He is especially well read in biographies. Shakespeare is his favorite author; he is able to quote nearly the whole of “Hamlet,” as well as many passages from his other plays. A strong, classic, well-turned sentence haunts him and masters him. In conversation he gives evidence of much historical knowledge as well as observation, his range of anecdotes being especially notable.

In recent years he has been much in demand as a public speaker.

At banquets and public occasions in Durham and at the best colleges in North Carolina he has spoken to fine effect. His sympathy with all mankind may be seen by the concluding sentence of his address on Philanthropy to the North Carolina Teachers' Assembly at Morehead City: "Ah! When one contemplates a life of self-sacrifice—a Savorola, a Jack Mills, a Spurgeon, a Madame Rowland, a Florence Nightingale—he would almost cut in twain the rope that binds his bark to the shore of selfishness or of ambition. He would fain launch out upon the great ocean of humanity to work, to sacrifice self in behalf of mankind, broadening the vision, if he might, and quickening the intellectual life and adding more of toleration to the character of our warm-hearted Southern people till one's little end."

In an address at Trinity College on the death of McKinley he said:

"There was no dark side to America's future with William McKinley. A high protectionist, he believed in American labor and American industries. A soldier and a statesman, he made the name and the fame of America to ring around the world so that her humblest citizen is secure, whether in treacherous Moscow or in heathen China. An optimist, he did not tether America's progress. A Christian, with eyes fixed upon that faraway divine event toward which all creation tends, William McKinley in the flesh was of that goodly company of men, my brothers, men, the workers ever reaping something new, not content with that which they have done, but earnest of the things that they shall do. And in the spirit, has he not this night a new song in his mouth and a new crown on his head?"

Recently, as president of the North Carolina Literary and Historical Association, he delivered an address on State Pride, that has attracted much favorable comment. In it he shows a great love for his native State, but at the same time points out some defects that need to be remedied. Some of the sentences quoted in this address indicate well the spirit of the man: "We have had quite enough of the spoken word which abideth not. We have much need of the man with the scrap-book, with paste and scissors and with pen and ink withal. . . . Our State is long on patriotism and short on methodical habits and attention to

details. . . . A pride that cannot endure criticism is not the right kind of pride." One of the ideas he cherishes for the future is that he may contribute to the development of a proper historical spirit in the State both by his own investigations and by helping others.

Judge Winston is in close touch with the University and colleges of North Carolina, and is fond of the society of college men. An ambition of his is to be the scholar in law, and he finds his American model in orators like Daniel Webster and William Wirt—men who paid much attention to *how* they said things. He has inherited much of the quaint humor of his father, as the two following extracts from an article for the *University Magazine* in 1898 and from a published address exhibit: "And yet we know that while England is civilizing and Christianizing 350,000,000 of souls in India, and while her sails whiten every sea, and her trade relations bring pounds, shillings and pence to London and Liverpool and make these cities the financial barometers of the world, the United States is wringing her hands and rolling her great big eyes and wondering what Thomas Jefferson and Abraham Lincoln would have done with Cuba and the Philippines!" Again: "In a general sort of way the average North Carolinian is proud that he lives in the Cape Fear section, or that he is of Scotch-Irish descent, or he brags of the beauties of Asheville or Raleigh, or the wealth of Durham, or the growth of Charlotte or Greensboro, and he honors the memory of her dead heroes; but if you ask him to join an historical society, with all its dreary details of a president and secretary, of committees and of papers to be written and material to be collected, why that is quite another proposition—he would turn that over to the Ladies' Aid Society and call his dog for a bird hunt!" In 1893 he published his "Talks about Law," a booklet of some two hundred pages; and in 1903 his lecture before the University Law School, "Some Judgments and How to Enforce Them," went through several editions. His article, in 1901, for the *South Atlantic Quarterly*, on "An Unconsidered Aspect of the Negro Question," provoked editorial discussion in the New York dailies.

He is also a contributor to the literary department of the *Sunday Charlotte Observer*.

It was Robert W. Winston who, in 1900, first called for a leader for the common schools of North Carolina. In a ringing address before the State Historical Association he declared that we need the sweep of a million and a half souls aroused to action. The public schools of North Carolina stand much in need of a steady common-sense fighter—a man with no axe to grind and no purpose to serve but to arouse the people, to stir them and move them and show them that the public schools are not getting what they ought to have, and are not what they were in 1860, when North Carolina had a four months' school term and the best school system in the Southern States, and to get upon the housetop and proclaim that the liberties of the illiterate white children after 1908 may be in danger unless more teachers are engaged and a longer school term provided. The University, the colleges, the graded schools, all have their champions, but who is the efficient champion, who is the endowment raiser, of the common schools—the schools of the masses? Who will be the man? If the State will yield but three, we may have a new Thermopylæ!" In less than six months a great tide of education was in full flow, directed by our educational governor and his wise and enthusiastic council of State.

Judge Winston has been from the beginning a public-spirited citizen, taking an active interest in the affairs of the community in which he has lived. While in Oxford he endeavored to make the growth of that town one of his chief concerns. As senator he was the author of the "No Fence Law," which has revolutionized the system of farming and saved the forests of this section. He made this fight in the face of much opposition, which, however, has now given way to universal praise, as being the most beneficial law for promoting agriculture ever passed by the State legislature.

Since living in Durham he has been identified with every movement looking to the development of the town and county. He was the first president of the Chamber of Commerce and one of the

prime movers in the establishment of the Public Library, of which he has been a trustee since its foundation. His speech before the committee of the House of Representatives secured the Government Building, which has just been completed. He was active in securing the splendid new Union Depot for the city. He is director of the First National Bank and a helper in every organization that looks to the development of the city. He organized the Bank of Chapel Hill. He has taken an active interest in the public schools of the county, endeavoring to assist the county superintendent in building well-furnished schoolhouses. He has also cooperated with the county commissioners in the work of building good roads for the county of Durham, and with the mayor and aldermen in paving the streets and in beautifying and ornamenting the city.

For the past ten years he has declined to stand for any public office, though his voice has been heard and his pen felt in every political campaign. There is scarcely a public step taken by the Democratic Party in this State since the war that he does not approve of—election laws, Jim-crow-car-laws, constitutional amendment and the rest. There was no other way. "If I had to pass upon the relative value of the services of the stalwart fighting North Carolina Democrat and the hesitating, cautious one, I would name the former. Joe Turner, Randolph Shotwell and Plato Durham have a high place in the Temple of Fame."

But what is done is done. Let's go at something else. Let's build up our State. Judge Winston is proud of the friendship of good men of all parties and of the esteem of both the contending forces in his own party. He has ever hoped that the good in all would be recognized and used for the upbuilding of the commonwealth. His ideal is more light, more happiness, larger truth and greater tolerance of thought for North Carolina. It has been his steadfast purpose to keep and hold the middle way—the way that lies to peace and safety to society. For example, when the negroes, with their white allies, were making the east unlivable, he was in favor of taking the ballot from them at any cost; but when the amendment was secured, he was for peace, and

opposed any attempt to impeach the Republican judges. "Make the chasm between the races socially as deep as the deepest depths, but give the negro a chance in the race of life, and do not make abuse of him a riding horse—to ride into office." At the same time that Robert W. Winston was calling for "peace" in defense of Josephus Daniels he was also calling for "peace" in defense of B. N. Duke in the Gattis case.

Judge and Mrs. Winston never seem happier than when entertaining their friends at Eldon Hall, their magnificent home in Durham. Two sons and two daughters have added much sunshine to their lives. The oldest of these, James Horner Winston, is the first Rhodes scholar from North Carolina at Oxford University. He is fortunate in having matriculated at Christ Church, occupying the rooms of William Ewart Gladstone.

Such is a glimpse at the life-work of Robert W. Winston, a man of vast industry and diversity of talents, whose mental equipment sweeps from the mercurial temperament of the impassioned orator to the cold, business-like methods of the most successful modern man of affairs.

Edwin Mims.



THE NEW YORK
PUBLIC LIBRARY
AND
ALEXANDER LEITCH AND
TILDEN FOUNDATIONS
P
L

since zealously devoted his rare and varied talents. Succeeding at once to the large practice of his father, he became a very busy lawyer, and took high standing at the bar. He has appeared in most of the important litigation in his section, and for many years has been the adviser of the largest business interests in those counties where he practices. He is specially strong in the trial of cases, and in all cases, no matter how small, he makes thorough preparation.

In 1887 he represented Bertie and Northampton counties in the State Senate, having been elected without opposition. In 1898, in response to urgent demands from every part of the county, he accepted the Democratic nomination for a seat in the House of Representatives. His Republican opponent had carried the county two years before by 1100 majority. At the end of a most heated and thorough campaign he carried Bertie County, and with him was elected the entire Democratic ticket, for the first time in twenty years.

In the session of the General Assembly of 1899 he took stand at once as a leader, especially in all measures looking to the reorganization of the State and its redemption from negro rule. He introduced the constitutional amendment disfranchising illiterate negroes; and the delivery of his speech, which closed the debate in the House on that great question, was one of the most dramatic scenes in the legislative history of the State. Before the meeting of the legislature he was frequently mentioned in connection with the speakership, to which honor he did not aspire, preferring to work on the floor and in committees. He was chairman of the Committee on Privileges and Elections, and served on all the important committees, including those on the constitutional amendment, the judiciary, education, election law, counties, cities and towns.

In 1900 he was prominently mentioned for the nomination for attorney-general. When the convention met, it was deemed wise to give that nomination to the extreme west. Still, so great was his popularity, that he polled nearly a third of the votes of the convention, receiving votes from all parts of the State.

In November, 1900, he was again elected by an overwhelming majority to represent Bertie County in the House. In the session of 1901 he was again prominent and active in all important legislation. He introduced and championed the bill establishing "North Carolina Day" in our public schools, and also exerted potent influence in securing the passage of the "Free Rural Library" Bill.

In the session of 1901 he presided over the House when it was in Committee of the Whole considering the Revenue Act, and was recognized as a well-equipped parliamentarian and dispatcher of business.

In 1901 Governor Charles B. Aycock appointed him judge of the Second Judicial District. He brought to this great trust conspicuous legal ability and industry. No judge in North Carolina ever did more work in the same time. He combined pleasant manners with judicial dignity and firmness. The press, the bar and the people were loud in his praise. No judge stood higher.

In 1904, at the great Democratic Convention in Greensboro, he was nominated on the first ballot over all opponents for lieutenant-governor, having received more than two-thirds of the votes of the convention. With the State Democratic ticket, he was elected by nearly 50,000 majority, and is now lieutenant-governor of the State.

As president of the Senate, during the session of 1905 he won golden opinions from political friends and foes for ability, courtesy, promptness and wonderful ease and rapidity in despatching business. The *Raleigh News and Observer* paid him the following well-deserved tribute:

"Lieutenant-Governor Winston presided over the deliberations of the Senate, during the recent session of the legislature, with ability unsurpassed. North Carolina has been fortunate in the gentlemen it has elected as lieutenant-governors, but no man has held that position whose knowledge of parliamentary law, whose executive ability and whose innate courtesy and promptness in ruling have surpassed those qualities as displayed by Governor Winston. In the early part of the session, conferring with leading senators, he sought their co-operation to prevent the necessity for night sessions, so that for the first time in its history the Senate held no night sessions, transacting all of its business at the day sessions. This

was largely due to Governor Winston's genius in despatching business. He won not only the approval of all the senators of all parties, but their esteem and high regard, and added greatly to his reputation by his first service as president of the Senate of North Carolina."

As an evidence of how highly the senators esteemed him, he was presented with a handsome and elaborate silver service, and most flattering resolutions were engrossed and presented to him.

Governor Winston is a great political organizer, believing in party organization, from the township unit up to the State and nation. As a campaigner and organizer he has had few equals and no superiors. In 1898 and 1900 he was State organizer of Democratic clubs. He is now president of the State Association of Democratic Clubs. For nearly twenty years he has given freely of time, talents, labors and means for the success of his party, speaking in almost every county in the State, and cheerfully responding to all public calls.

He has always taken deep interest in everything that makes for the elevation of the people, especially in popular education. In 1887 he was elected by the legislature a trustee of the University of North Carolina, and although he has resigned that position twice, when a candidate for the House, he has been twice re-elected, and is now serving his eighteenth year on the Board. For many years he has been chairman of the Board of Trustees of the Windsor Academy. Scarcely a year passes without his making numerous addresses before schools, colleges or educational gatherings. As an educational orator he is in constant demand by the leading schools of the State. In 1904 he was the alumni orator at the University. He had, in 1899, represented his class at its second reunion, and delivered an address at commencement. When the cornerstone of Alumni Hall was laid, he was the principal speaker. In 1901 he delivered the address on Washington's birthday before the student body of the University. He was a member of the committee charged with the duty of erecting Alumni Hall, and secured handsome donations for that purpose. "During the year 1904 he accompanied Governor Aycok to the State of Maine as guest of the State Board of Education, when

both of them made speeches on education; and the tributes to Governor Winston were as high as any ever paid to a North Carolina statesman by the people of another State."

Mr. Winston is a man both of scholarly and of antiquarian tastes. His address before the North Carolina Bar Association on the "Historical Value of Court Records" was a charming illustration and a revelation of the value of our old, musty court records. He encourages the collection and study of historic material by schools and societies. He has taken deep interest in Masonry, and has gone from the lowest positions in the order to the office of Deputy Grand Master, which he now holds. He is in frequent demand as speaker at the laying of cornerstones. He has taken the higher degrees of this order. As chairman of the committee for that purpose, he was largely instrumental in raising the funds that supplemented the gifts of Mr. B. N. Duke, making possible the cottage system at the Oxford Masonic Orphan Asylum. His most signal service to his brethren was his canvass to raise funds to build the great Masonic Temple in Raleigh. He visited lodges in all parts of the State, and raised such a sum of money as made possible the erection of that great structure.

Mr. Winston is a communicant of the Episcopal Church, and junior warden of St. Thomas Parish, Windsor, North Carolina.

As a private citizen Mr. Winston is marked by active and generous interest in all charitable work; as a neighbor, by kindness, generosity and hospitality; as a friend, by loyalty, sympathy and the broadest tolerance.

In 1889 he married Rosa Mary Kenny of Portsmouth, Virginia. Their home, "Windsor Castle," in the suburbs of Windsor, is the seat of a most delightful hospitality.

Mr. Winston lives in the house where he was born. Splendid inducements have been held out to him to locate elsewhere in North Carolina and in other States, but he prefers to live in the town and county and State of his birth, among his own people, between whom and himself there is mutual appreciation and unbounded esteem, admiration and affection. Recently, when President Roosevelt made his Southern trip and attended the Raleigh

Fair, Lieutenant-Governor Winston was called upon to act as the host of the President while in Raleigh and also in his trip across the State, since Governor Glenn was unavoidably prevented from discharging these duties because of a bereavement in his family. Governor Winston's remarks in introducing the President to the various audiences which he greeted in North Carolina were always brief, appropriate and wise, and he won many expressions of approval and praise for the superior way in which he acquitted himself and the honor he reflected upon the State.

Charles B. Aycock.



THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX AND
TILDEN FOUNDATIONS

R L

not enter college, he had superior advantages at home, and was thoroughly grounded and well read in the classics. His mind was receptive and his memory retentive, and he was a close student and an exhaustive reader.

His younger brother, Major John W. Woodfin, who was killed during the Civil War, was also a brilliant lawyer. They were devoted brothers, and the tragic death of the younger brother was a lifetime grief to Nicholas Woodfin, who had been as father to him. He read law under Governor Swain, who conceived a high opinion of his ability; and a few days after he attained his age, in February, 1831, he was admitted to practice in the county courts, and in June of that year he attended his first court at Franklin, in Macon County. The next year he obtained his license to practice in the Superior Court. At that period Asheville was a straggling hamlet in the mountains, that possessed advantages for a residence, since all the mountain roads led to it, and it was the center in intelligence and influence in the mountain regions. There the subject of this sketch at once made his home and entered upon his professional career. His brother was a successful lawyer, and he, possessing greater abilities, soon took rank among the leaders of the bar. On the 16th of June, 1840, he was happily united in marriage to Miss Eliza Grace McDowell, a daughter of Colonel Charles McDowell of historic Quaker Meadows, Burke County, a granddaughter of General Charles McDowell, and her maternal grandfather was General Joseph McDowell of Pleasant Gardens. She was a lady of great saintliness and beauty of character, and always an inspiration to her husband. He thus became connected with a large and influential family, embracing some of the most prominent of his associates. From this union there were three daughters: Miss Anna Woodfin, who is so much beloved by the people of Asheville; Mrs. Benson Jones and Mrs. Mira Holland.

Becoming conspicuous by his ability in his profession, his friends brought him forward in 1844 as senator to represent the Buncombe and Henderson district in the State Senate, to which he was elected continuously for ten years. He was a Whig in

politics, as indeed most of the strong men across the mountains were at that period; and he was ardently an advocate for internal improvements and for those measures that would tend to the material and social advantages of his community in that remote and sequestered region. Indeed, it has been said of him "that there is no name in Western North Carolina more identified for the last thirty years—that is, beginning with 1845—with all the material, industrial and educational interests of that part of the State."

As a boy he had not been averse to labor, had evinced a strong desire for education, and had devoted many days to study which were spent in idleness by his companions, and when he had attained man's estate the same characteristics were manifested. In his professional career he devoted to the study and practice of the law an energy and industry never surpassed. Not only was he engaged during the day, but at times he gave a large portion of his nights to the interest of his clients. He made himself master of the facts of every case, and never failed to present them elaborately to the court and jury. His thoroughness brought him prominence, and the interest he manifested in every cause committed to him, and his unusual success in managing his cases, brought him an extensive and lucrative practice. Moreover, he possessed great financial ability, and speedily became one of the wealthiest men of his community. He acquired a large landed estate, and gave much attention to improved modes of culture. He was a member of the Buncombe County Agricultural Society, and was indefatigable in urging improvement on the attention of his fellow-members. His address before the society in 1855 was notable not merely for its common sense and the information which it contained, but for the strength with which he urged the principles of what has since become known as "intensive farming;" and he set the example by himself raising 150 bushels of corn on one acre of land, while his crops of fine grass attracted wide attention.

Interested in whatever concerned his community, a large part of his time was given in efforts to obtain railroad facilities; and

later, as a railroad contractor, he contributed to the early completion of the Western North Carolina Railroad. He took an active part in promoting the educational interests of his county, and was usually on the School Board, and he assisted many struggling young men and girls in their efforts to prepare themselves for the battle of life by obtaining a better education. Indeed, Mr. Calvin Wiley, the former superintendent of public schools, regarded Mr. Woodfin as one of the most useful men in this respect in the State, and said that but few, if any, had given so much help in the cause of education. Quite a number of young men were instructed by him in the science of the law without compensation, and his library was always open to his professional brethren, especially the younger members of the bar. Always penetrated with deep religious emotion, in October, 1858, he was confirmed as a member of the Episcopal Church, and he served his parish many years as senior warden.

Rev. Dr. Buxton, in a sermon preached after his death, said of Mr. Woodfin: "He was himself thoroughly aware, like all earnest men usually are, of his own infirmities of character; but he judged himself and lived in constant repentance and the fear of God. I have seen him under most circumstances that bring out character before men. I have seen and been with him in sickness and in health, in prosperity and adversity, in family affliction and other troubles, till finally the dark curtains of death were drawn around him, to sleep in peace! From what I have seen of him under all these circumstances, I can testify that the Word of God was his delight, his trust and support, and drew to itself his unbounded reverence and submission as a rule of life. Family prayer had long been his daily habit."

His life in his family was beautiful; affection and tender regard permeated all his conduct within his doors; and he entertained at his home the first men of the State who visited his vicinity. In conversation he was interesting to all. Indeed, Governor Swain said that "he was acquainted with the educated men of the State, and no one was better read than Mr. Woodfin, whom he loved and admired with almost paternal affection."

His home was rendered beautiful and attractive by his liberal expenditure and his unerring taste, and lovely by his untiring care for his family. He brightened all by his presence, cheerfulness and unselfishness.

In the court-house he was a great, strong lawyer, and for many years had no superior at the bar where he practiced; nor did any one possess a fuller share of public confidence in the integrity of his actions or the sincerity of his motives than Mr. Woodfin.

A zealous Whig, he adhered to that party to the last, and thought that the election of Mr. Lincoln to the Presidency of itself was not such a menace to the South as justified secession, and he opposed that extreme measure until, in April, 1861, President Lincoln called on North Carolina to furnish troops to coerce the seceded States to the south. Then he, like the other Whigs of North Carolina, hastened to take action. He represented Buncombe County in the convention of May, 1861, that was unanimous for secession.

Neither by training nor disposition was he fitted for a military life, but he gave at once, and readily, his best service to the State at that critical period. He was appointed an agent of the State to superintend the North Carolina Salt Works, that were erected at the salt mines in Southwestern Virginia, and he was indefatigable in his efforts to supply the State with that necessary commodity during the war, an arduous service, for which he would receive no compensation.

After the war had ended Mr. Woodfin returned to his home and engaged again in his professional work. Heavy pecuniary obligations fell on him by reason of the failure of friends for whom he had largely endorsed in times of prosperity, and to meet these engagements he applied himself to the extent of his energy and constitution. He was a great worker, attached to his profession; indeed, so warmly attached to it was he, that when earlier in life, at the age of thirty-two, a judgeship was offered him, he declined the proffered honor, preferring to remain as an advocate. Under the new conditions incident to the close of the war, Mr. Woodfin

redoubled his exertions at the bar and led a very laborious life. But still he was greatly interested in the development of his section and in all the enterprises that tended to its advancement. A handsome man, graceful in movement and with pleasing address and exceptionally pleasant in conversation, he moved in and out among the people, urging them to renewed efforts for the amelioration of their material and social conditions, and he became one of the most useful, as he was one of the most prominent, of the public men in Western North Carolina. He urged the diversification of industries, particularly the introduction of tobacco as a profitable crop and its manufacture as a foundation for material prosperity. In like manner he urged the erection of mills and factories, and especially the making of cheese, the western country being so well adapted to dairying. Indeed, he himself started a cheese factory, which for a time was in very successful operation.

And thus years wore on until 1876, when, on Sunday, May 23d, after a severe illness of a few days, he passed away, lamented by his entire community; esteemed not only as an ornament to his profession, but a conspicuous example of eminent citizenship.

S. A. Ashe.





